DOCUMENT RESUME

ED 385 341 PS 022 883

TITLE	Improving America's Schools Act of 1994. Report To Accompany S. 1513 on Authorizing Appropriations To Extend for Six Years the Programs under the Elementary and Secondary Education Act of 1965 Together with Additional and Minority Views. Committee on Labor and Human Resources, United States Senate, 103D Congress, 2d Session.
INSTITUTION	Congress of the U.S., Washington, D.C. Senate Committee on Labor and Human Resources.
REPORT NO	Senate-R-103-292
PUB DATE	94
NOTE	582p.
PUB TYPE	Legal/Legislative/Regulatory Materials (090) -- Reports - Evaluative/Feasibility (142)
EDRS PRICE	MF03/PC24 Plus Postage.
DESCRIPTORS	At Risk Persons; Child Welfare; *Educational Finance; *Educational Improvement; Educational Objectives; Educational Quality; *Elementary Secondary Education; Excellence in Education; Federal Aid; *Federal Legislation; Government Role; Outcomes of Education; Program Administration; Public Policy
IDENTIFIERS	Congress 103rd; Goals 2000; *Improving Americas Schools Act 1994; Program Characteristics; Reauthorization Legislation

ABSTRACT

In this report, the Senate Committee on Labor and Human Resources--to which Senate Bill 1513 was referred--recommends that the bill pass as amended, thereby clearing the way for reauthorization of the Elementary and Secondary Education Act of 1965 legislation, including Title 1. Title 1 funds have been a major factor in providing locally operated "compensatory" educational programs, as well as other educational programs. Renamed the Improving America's Schools Act of 1994, the legislation is designed to continue improvement of learning and teaching and also to realign federal educational policy and programs to achieve the educational objectives of the Goals 2000 bill. The report is divided into nine sections. The first 123 pages contain sections on: (1) introduction to and purpose of the legislation; (2) committee views; (3) tabulation of votes cast in committee; (4) cost estimate of the legislation; (5) regulatory impact statement; (6) section-by-section analysis of the bill; (7) additional views of Senator Dave Durenberger; and (8) minority views of Senator Dan Coats. Section 9, the remaining 457 pages, examines changes in existing law that would result from passage of this bill. (ET)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

ED 385 341

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)
☒ This document has been reproduced as received from the person or organization originating it.
☐ Minor changes have been made to improve reproduction quality.
● Points of view or opinions stated in this document do not necessarily represent official OERI position or policy.

BEST COPY AVAILABLE

2

Calendar No. 495

103D CONGRESS
2d Session
SENATE
REPORT
103–292

IMPROVING AMERICA'S SCHOOLS ACT OF 1994

JUNE 24 (legislative day, JUNE 7), 1994.—Ordered to be printed

Mr. KENNEDY, from the Committee on Labor and Human Resources, submitted the following

REPORT

together with

ADDITIONAL AND MINORITY VIEWS

[To accompany S. 1513]

The Committee on Labor and Human Resources, to which was referred the bill (S. 1513) to extend for six years the authorization of appropriations for the programs under the Elementary and Secondary Education Act of 1965 having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill (as amended) do pass.

CONTENTS

Page
I. Introduction and purpose 1
II. Committee views 2
III. Tabulation of votes cast in committee 55
IV. Cost estimate 57
V. Regulatory impact statement 67
VI. Section-by-section analysis 67
VII. Additional views 117
VIII. Minority views 122
IX. Changes in existing law 123

I. INTRODUCTION AND PURPOSE

Since 1965, title I programs have been in the forefront of our Nation's efforts to meet the needs of disadvantaged children. During their 28 year history, the programs have called attention to the plight of poor and low-achieving students through locally-operated "compensatory education" programs, migrant, disabled, and neglected and delinquent students and preschool children and their parents through three State-operated special programs and through a demonstration for high school dropouts. With a $6.9 billion commitment in 1994–95, Part A of title I (the current chapter 1 program) is the largest Federal elementary and scondary program.

This reauthorization is particularly significant as it will set the course for the program into the year 2000. Much has changed in education and our broader society since 1965, and our knowledge of learning and teaching has grown. The changes proposed in S. 1513 build on the framework legislation, Goals 2000, passed by this Congress, and respond coherently to changes in the needs of schools, students, and society and reflect an increased understanding of the necessity and the capacity to enable all students to achieve high content and performance standards. The committee substitute for S. 1513 adopts many of the administration's original S. 1513 recommendations while simultaneously maintaining the balance of authority among the Federal, State, and local governments.

II. Committee Views

TITLE I—HELPING CHILDREN IN NEED MEET HIGH STANDARDS

In authorizing Part A of title I for 5 additional years, the committee proposes a revamping of compensatory education, focusing on high standards rather than remedial skills, and providing greater decision-making authority and flexibility to schools in exchange for greater accountability for student performance.

State desiring to receive title I Part A funds will submit a plan to the Secretary of Education describing its content standards, student performance standards, and assessments that will be established or used for title I Part A programs and defining adequate yearly progress for schools and districts based on the performance of students served under this title. Standards and assessments would be the same as those developed under the Goals 2000: Educate American Act in the case of States that receive funds under thawt act to ensure that the performance expected of children in title I schools is the same as that expected for all children in the State.

Content standards would clearly articulate what children should know and be able to do. Performance standards would provide a way for determining in clear and easily understood terms whether students are actually learning the subject material contained in the content standards.

It is the committee's intent that the high quality academic standards that will beused for accountability purposes under the title I program be the same as those for all children so that the same expectations are placed on title I Part A students as for other students. Students receiving title I Part A services have often received a watered down curricula, and the committee intends that this practice cease.

However, the committee does not intend to require as a condition of receiving title I Part A funds that States develop academic standards in every academic subject area. While it is the intent of the committee that States develop standards in at least reading or language arts and math, it is the committee's hope that States will develop standards in those subject areas in which title I Part A funds are used. However, it is up to each State to decide the subjects in which they will develop standards.

If a State does not develop standards for all subjects in which students are served under this program, the committee intends that it develop a process toguard against such children being taught less challenging subject matter or material and being held to lower expectations in those subjects.

The committee does not intend to require States to submit their standards or assessments to the Secretary for approval. As under the Goals 2000 Act, the committee intends to preserve State and local control of education, especially in the area of curricula. States do need, however, to describe such standards and assessments or in the case ofa State that has not developed such standards, it need only describe the strategy it will use to develop such standards.

Nonetheless, the committee notes that the Secretary has the responsibility under section 1111(d) to determine, after a peer review process, whether a State's plan satisfies the requirements of sections 1111(b) and 111(c). The committee also notes that the Secretary maintains his general authority under Part E of the General Education Provisions Act to ensure that States comply with all of the relevant requirements of this act.

Section 1112(c) states a number of specific measures that LEA's are required to undertake to carry out their responsibilities under the act. Sections 1114(b) and 1115(c) state the essential components of schoolwide and targeted assistance programs for each school that receives funds to implement one or the other approach. Some LEA's and schools currently have the capacity to carry out the measures specified in these three sections and the assistance provided by this act will help others achieve the needed capacity. Because other school districts and schools may need additional assistance to carry out their responsibilities, section 1111(b)(I)(A)(iii) calls upon States to undertake steps to help LEA's and schools develop the capacity to comply with their obligations. The provision is consistent with a variety of efforts that are underway in many States to assure that the districts and schools lacking in the capacity to educate all their children to high standards are provided with needed assistance.

The committee recognizes the need for the Secretary to review and approve State applications and plans to ensure accountability for Federal programs and guard against States' using watered-down standards for title I Part A students. The committee tried to balance this Federal interest with the constitutional authority granted to States over education policy. The committee therefore inserted language to clarify that the Secretary may not require specific standards or assessments that must be used or specific assessment items that must be included in their content standards or assessments.

For similar accountability purposes, the committee requires States to submit to the Secretary any significant changes it makes to its State plan. It does not require Secretarial approval of such changes in order for a State to continue receiving title I Part A funds. Nonetheless, the committee intends that the changes could not result in the plan's no longer satisfying the requirements of the title.

In another major change, assessments for title I Part A children would be tied to State assessment systems, eliminating the burdensome testing requirements of existing law. These State assessments would be tied to the State's standards and be used as the primary means of determining whether local educational agencies and schools are making adequate progress in enabling their students served under this part to meet those standards. Assessment results will be disaggregated by categories of students to help schools ensure that all children served are making progress towards meeting the State standards.

The committee intends that States develop a set or system of assessments, rather than a single test. The set should include multiple measures, and may include assessments developed at the local level as one of the measures if a State chooses.

The bill encourages States to move toward using new forms of assessments, such as performance based measures, for the purpose of determining adequate yearly progress and for assessing the performance of children served under title I Part A. Many States are in the process of developing such new assessments. While the committee intends such assessments to be valid and reliable, it is not its intent to discourage States from experimenting with these assessments until they satisfy such criteria. Thus, language is included in the bill to allow States to use such assessments as one of the multiple measures used in the State's assessment system.

The committee has heeded the call from States and LEA's for educational flexibility and numerous waiver provisions are being inserted in various education laws. However, the committee also recognizes that States often impose more burdensome regulations than are useful and necessary to accomplish the purposes of this title to discourage this practice.

Local educational agencies (LEA's) desiring to receive title I Part A funds would submit a local plan to the State for approval. The local plan would be similar to the State plan, and could be submitted as part of a consolidated plan for multiple Federal education programs.

Currently, LEA's submit annual applications to SEA's but the applications are developed by the States and only minor updating is required from year to year. Under this bill, LEA's would have to develop comprehensive plans and once approved by the SEA, they would remain in effect for the duration of the LEA's participation in the title I Part A program. In recognition of the importance of developing such plans, the committee does not want to rush LEA's to develop poorly conceived plans. In addition, the committee recognizes the SEA's will face a great influx of plans at one time, and may not be able to perform quality review and approvals if all of the LEA plans are submitted and have to be approved in one year. Thus, the committee included language in the bill to allow a State to phase-in the submission and approval of LEA plans over a 2 year period according to a schedule established by the SEA. The committee does not intend, however, to delay the implementation of schools' making the decision to become schoolwide schools, and expects that the schoolwide planning provisions will proceed even if an LEA's plan has not yet been approved. Since the provisions of this reauthorization do not begin until school year 1995–96, the committee does not intend to delay implementation of the new schoolwide provisions until 1998.

The LEA plans will also describe ongoing professional development activities that addresses the needs within and across schools. Because the committee believes that professional development activities are critical to the success of students, the committee requires that each school receiving title I Part A funds grants of at least $50,000 reserve 10 percent of those funds for professional development activities. It is the hope of the committee that LEA's will build on the Federal resources provided for professional development under this act, and invest State and local resources in this valuable activity as well.

It is essential that children receiving title I Part A services receive instruction from qualified, well trained staff. According to a recent report by the International Reading Association, nearly half of all title I instructors are actually instructional aides with little or no post-high school training. Over 80 percent of these instructional aides have earned only a high school diploma or equivalent. To address this situation, the bill would require that instructional aides who do not have a high school diploma or a General Education Development certificate obtain one within two years of employment, except for aides with a language proficiency needed in bilingual instruction.

Additionally, while the committee recognizes that aides can provide essential support services to teachers, the committee is concerned about the widespread practice of hiring aides rather than qualified teachers. Thus, language has been inserted in the bill to require that teachers' aides may only be used in the program if they are under the direct supervision of a qualified title I Part A teacher.

Local plans would also describe the poverty criteria for selecting school attendance areas and the criteria for selecting students among eligible students in targeted assistance schools.

The bill requires LEA's to coordinate and integrate title I Part A services with other Federal education programs. Education services for children are often so fragmented that they fail to address the needs of the whole child and do not achieve the desired effect of improving student performance at all or to the extent that they could if they were integrated with the rest of the school day or with other education programs. The committee recognizes that Congress has contributed to this fragmentation by its separate reporting and auditing requirements for each program. Thus, the committee has inserted language to make it clear that LEA's should coordinate and integrate all programs.

The committee recognizes that children with health problems often cannot perform to their potential. Something as simple to remedy as a child's imperfect eyesight cannot be addressed if the problem is never identified. Thus, the committee has inserted language to encourage LEA's, where feasible, to establish a procedure to ensure that elementary school children receive health screenings to detect health problems that can affect learning. The committee did not accept the Administration's proposal to require provision of such services even though it was supportive of the provision because funding limitations did not support such a mandate.

Local educational agencies are required to use State assessments to review the progress of their schools. The committee intends that such progress be judged on the basis of the progress of students in schools served under Part A of title I. The committee does not intend to hold LEA's and schools accountable for funds received under title I Part A for the performance of schools and students in the LEA that do not participate in the programs. The committee does intend as part of the overall State and LEA plans, however, that the accountability provisions for students served are based on the same high standards as those for all other students. The committee also intends that SEA's and LEA's exercise general oversight for the success of title I programs.

LEA's may also use local and school-based assessments and a variety of other indicators of student achievement and school improvement such as graduation and attendance rates. Local plans will describe how these assessments, selected and administered by teachers, would be used to inform parents, students, and teachers about student progress.

Schoolwide programs

The committee substitute for S. 1513 would transform title I Part A into a major catalyst for school reform by encouraging more schools to operate schoolwide programs. Schoolwide programs are intended to upgrade curriculum and instruction throughout a school to address the needs of all its children, particularly children who are the focus of Federal programs. The committee believed that since 70 percent of current programs still operated on pull out models, it was important to encourage schools to consider ways of serving more title I Part A students effectively. Currently schools can become schoolwide programs only if the poverty level is 75 percent or greater.

The committee reduced the poverty threshold to 30 percent based on research showing that student achievement is adversely affected in schools with at least 30 percent poverty. The committee coupled this lowered threshold, however, with its title I Part A within State weighted pupil formula whereby the lowest poverty schools are dropped altogether, and higher poverty schools receive increased funding. In this way, the committee hopes to ensure that there will be sufficient funding in higher poverty schools to make significant advances in student achievement.

Schools operating schoolwide programs can commingle funds they receive from all Federal categorical and competitive grants (except for funds received under Individuals with Disabilities Education Act funds) to support their schoolwide program without separate accountability requirements and without requesting waivers. Cumbersome paperwork requirements are already overburdening schools. Eligible schools choosing to participate as schoolwide schools would be required, however, to disaggregate the data on student progress to determine whether the title I Part A eligible students are benefitting from the schoolwide program. The school plan will also have to address how the needs of title I Part A eligible children will be met. Also, the schools would have to continue to meet the underlying intent and purpose of whatever acts they chose to consolidate.

Schoolwide programs must be organized around a school plan that describes a set of components to enable children eligible for title I services to meet the State standards. These components would include: effective instructional strategies that increase the amount and quality of learning time and help provide an enriched and accelerated curriculum; intensive professional development; and strong parental involvement. Additionally, coordination with the regular program may include counseling and mentoring services, college and career awareness, services to assist children in transition from preschool programs, after-school and summer programs, and incorporation of gender-equitable teaching practices.

While the LEA should be consulted, it is the committee's intention that schools be given more responsibility and authority to shape their own title I Part A programs. While the committee does not require LEA approval of schools' schoolwide plans under section 1114, LEAs would continue to have legal responsibility, as the recipient of Federal funds, to ensure that schools conduct their title I Part A programs in accordance with the provisions of the law.

To provide further support to schoolwide programs, States must establish school support teams made up of individuals knowledgeable about teaching and learning to provide technical assistance to schoolwide programs. School support teams are to be financed with Federal funds provided for this purpose and States may also use State administrative funds provided under this title.

The committee intends that SEA's develop school support teams to work cooperatively and collaboratively with schools to provide assistance and facilitate the work of the schools and not to supersede any local authority.

Targeted assistance schools

Schools that are ineligible or choose not to operate schoolwide programs are to use title I funds to provide services to academically needy children who are economically disadvantaged. Currently, educationally disadvantaged students can be served, but the committee believes, given insufficient funding, that services should be provided only to economically disadvantaged students. If there are more economically disadvantaged students than available funds, the schools would decide which children to serve after determining which children had the greatest educational needs. Limited English proficient children and all children who had participated in Head Start, Even Start, or in the neglected or delinquent program in the two preceding years are eligible for services.

The committee intends to put an end to the confusion surrounding the eligibility of students being served under other Federal education programs due to their disability, limited-English proficiency, or migrant status. Such children are eligible for title I Part A services if they are poor and if they have an academic need for assistance, regardless of the fact that they may be receiving other educational services under other Federal programs.

It is the intent of the committee that students served under title 1 may and should be served with other students with similar educational needs if It would be beneficial to the students and more efficient to do so. Students should not be labeled and segregated by Federal categorical program for audit purposes alone. If it will improve the academic performance of the students, serving students together is not prohibited in this or any other program under this act.

Parental involvement

The committee substitute further strengthens the involvement of parents at the State, district, and school levels, building on the success of the parental involvement requirements added to the law in 1988. Local educational agencies must continue to develop a parental involvement policy to provide a framework for parental involvement. It will be required that LEA's develop the policy jointly with parents. The policy would include a review of the effectiveness of schools' parental involvement activities, an identification of barriers to better parental involvement, and an implementation plan to remove those barriers.

In addition, the bill adds a new emphasis on promoting shared responsibility between parents and schools for the high performance of children through a jointly developed school level parent involvement policy and a school-parent compact in each title I Part A school. This compact will spell out the shared responsibilities of schools and parents as partners in student success. The school parent compacts represent a joint effort between the school and family to increase students' school achievement. In no case does this dictate to parents how to raise their children. The Parent Compact shall not be developed or applied in a manner which intrudes into family life decisions or family privacy. To the extent possible, districts and schools will provide full opportunities for participation of parents with limited English proficiency or disabilities.

With respect to parent teacher conferences, the committee expects the LEA to take reasonable steps to reach those parents for whom there may be particular barriers to involvement, such as work or child care obligations, transportation, disabilities, and limited English proficiency.

The bill would also reinforce the importance of training in making parental involvement effective, such as assistance to parents in understanding the State's standards and assessments, and literacy training to help parents work with their children at home to improve their children's achievement.

Participation of children enrolled in private schools

The bill continues the requirement, which has been part of the law since 1965, that title I Part A services be provided to eligible children who attend private schools, after timely and meaningful consultation with private school officials. While the bill does not contain language defining "timely and meaningful consultation," the committee notes that this issue is addressed in Department of Education regulations, which the committee expects the Department to maintain.

The committee requires for the first time that private schools provide LEA's with documentation to determine the number of children in their school eligible for services. This is necessary because the bill requires that children be selected for services based on economic disadvantage, not educational disadvantage.

Regarding funds for capital expenses, the committee has been advised by the Administration that reimbursement of past expenditures has been largely accomplished, and that funds should now be used only to maintain and increase participation of children enrolled in private schools. To the extent that such a situation prevails, the committee concurs with the Administration. The committee believes that unless a local educational agency provides evidence to the Secretary that it has not been fully reimbursed for past expenses, any funds appropriated for fiscal year 1996 and subsequent years for capital expenses should be used only to maintain and increase participation of eligible children enrolled in private schools.

Accountability/program improvement/distinguished schools

The committee bill would extensively revise program accountability provisions for schools that are not making progress in enabling their students served with title I Part A funds to meet State standards. These changes are intended to establish a more effective system of accountability and improvement based on the ability of schools and school districts to meet clearly defined objectives. New procedures and remedies are established that are designed to make the act more effective in providing opportunities for children served to acquire the same basic and advanced skills and knowledge as children not served by the act. These procedures and remedies are designed to supplement, and not to replace, other existing procedures and remedies.

Each State would be required to defined what constitutes adequate progress for schools and LEA's participating in the title I Part A program. The term "adequate yearly progress" would apply to schools and local educational agencies instead of individual students. The definition shall be used to determine when to identify schools and LEA's for program improvement and when States and LEA's should intervene and offer assistance, and as a last resort, take corrective action. This definition of adequate progress should be based on the progress of children served under title I, i.e. economically disadvantaged children. The committee does not intend, however, for States to develop a lower standard of what constitutes adequate progress for schools and LEA's serving title I students than they would for all students in all schools and LEA's nor does it intend for a school or LEA to be deemed to have made adequate progress if its overall student performance is acceptable but the performance of disadvantaged students served is not satisfactory.

The purpose of this review of progress is accountability, but it should also serve to provide information to each school and local educational agency so it can refine its program of instruction to better enable children served under this Part to meet the State standards.

The bill requires LEA's and SEA's to step in and take corrective action in the case of failing schools and LEA's. However, such actions may be collaborative rather than punitive or confrontational and may entail continuing technical assistance from the LEA or SEA. It is the committee's intention that LEA's and SEA's determine what the specific appropriate action should be as long as it is consistent with State law and the LEA or SEA believes it will improve student performance. The bill provides illustrative examples of corrective actions but the list is neither exhaustive nor an indicator from Congress of preferred types of corrective actions. The committee intends that such decisions shall be made by SEA's and LEA's.

Any school that, for 3 consecutive years, exceeds the State's definition of adequate yearly progress or virtually all of whose students meet the State's top performance standards could be designated by the State as a Distinguished School. In addition to State recognition, distinguished schools can serve as models to help other schools meet the State's performance standards. Local educational agencies may also reward the success of distinguished schools by, for example, permitting greater decision-making at the school building level.

Schools that for 2 consecutive years fail to meet the State's definition of adequate yearly progress (as well as those who have already been in program improvement for 2 consecutive years at the time the bill takes effect) would be designated as schools in need of improvement. These school would be required, in consultation with parents and the local educational agency, to revise their school plan in order to improve the performance of children in the school. Schools would implement the plan the first year immediately following identification. States must establish a corps of Distinguished Educators or some other form of intensive assistance to schools in need of improvement. The bill requires that school support teams work with schools in program improvements.

Although the committee expects that the process for adopting and approving assessments will provide for a reliable accountability system, the committee recognizes that there may be instances that would militate against a school's being placed in school improvement, and therefore the committee recognizes that there can be problems with assessment results that affect their accuracy as an indicator of improved or decreased academic achievement. Random error and other measurement anomalies, year to year fluctuations in students and student characteristics, modifications and alterations made to assessments as States develop and implement these new assessments, and other problems which the committee cannot anticipate might make it unfair to place a school in program improvement based on such test results. Therefore, the bill requires LEA's to provide schools with an opportunity to review and appeal the data. However, the LEA would make the final decision about the validity of test results.

If, after 3 years in school improvement and after receiving technical assistance and other remediation measures from the local educational agency, a school still fails to make adequate progress, the local educational agency must take corrective action. Examples of actions LEA's may take range from requiring greater collaboration with other agencies to authorizing students to transfer to other schools within the LEA to reconstituting the school staff. All actions must be in compliance with State law. When an identified school makes adequate progress for 2 out of 3 years, it would no longer be identified for school improvement.

The time for identification and the length of time in school improvement are both extended to two years in order to improve the quality of the data by which schools are identified for school improvement and to allow time for action taken by the schools to have effect. The requirement for technical assistance recognizes that the lowest achieving schools need help in determining how to improve. However, corrective action would be required after 3 years in program improvement to ensure that, in situations where there is continued failure to make adequate progress, more aggressive actions are taken so that children in those schools are given the opportunity to receive a high-quality education.

The committee substitute establishes a similar process of improvement and accountability for the local educational agency in recognition of its vital role in the performance of schools and children. While the local educational agency will review the progress of schools, the State educational agency will review the progress of the local educational agency. The State educational agency will annually review the progress of each local educational agency to determine whether it is making progress towards meeting the State's definition of adequate progress. Any local educational agency that for three consecutive years exceeds the State's definition of adequate progress can be rewarded. Any local educational agency that has not made adequate progress for two consecutive years will be identified for improvement.

If after the provision of technical assistance and other remediation, a local educational agency still fails to made adequate progress after four years in program improvement, the State educational agency must institute corrective actions. Corrective actions must be consistent with State law. Corrective action would be required after three years in program improvement rather than two years (as would be the case for schools in program improvement) to give the local educational agency sufficient time to turn around those schools needing improvement before being subject to corrective action. When an identified local educational agency makes adequate progress for at least 2 of 3 years, it would no longer be identified for program improvement.

As already noted above, there may be anomalies in assessment data and therefore the bill requires SEA's to provide LEA's with an opportunity to review and dispute the data.

The committee also intends that the Secretary will develop regulations which provide guidance to SEA's and LEA's on extenuating circumstances when it may be appropriate to delay taking corrective action.

Distribution of funds

The new title I, Part A formula reported by the committee is a composite of three integrally related distribution sections: (1) Federal to State allocations; (2) State to district allocations; and (3) district to school allocations. The new title I, Part A formula targets significantly more funds to disadvantaged children than does current law. It is intended to respond to recent research findings that the achievement of all students, both poor and non-poor, suffers in schools with poverty rates exceeding 30 percent.

The Federal to State allocation formula builds upon the structure provided under current law in distributing funds to States based upon respective numbers of poor children multiplied by a measure of cost for meeting the additional needs of those children. The new formula, however, assigns poor children weighted need values based on the poverty rate or number of poor children within a county. The higher the poverty rate or number, the higher the average child multiplier and per child grant a community attracts. District, rather than county, level Census data are to be used for the purpose of allocation if the Secretary determines such data are of satisfactory quality.

Weights are applied in a marginal or step fashion similar to Federal income tax rates. Marginal application assures a consistent relationship between poverty concentration and average child grants. Such an application, unlike the current law concentration grant formula, avoids a "cliff-like" effect whereby small changes in poverty concentration effect large changes in average grants.

The multiplied cost proxy in the committee reported formula is the same as current law, 40 percent of State average per pupil expenditure. The Committee has, however, narrowed the limits on cost facter to 85 percent and 115 percent of the national average per pupil expenditure. Those States whose average per pupil expenditure is below 85 percent of the national average are raised to that level, while those States above 115 percent of the national average are reduced to that level.

During a series of school finance hearings held by the Subcommittee on Education, Arts and Humanities following committee consideration of the Goals 2000: Educate America Act, several Members expressed interest in addressing the school finance issue in the context of the title I, Part A formula. As a result of those hearings the committee reported title I, Part A formula includes, in addition to the cost factor multiplier, two new effort and equity multipliers. The effort factor compares State per pupil expenditures with State per capital income. The equity factor is based on a coefficient of variation related to within State district spending per pupil and the disparity standard of equalization established pursuant to the Impact Aid program (P.L. 81–874, section 5(d)2(B)). District size and poverty data are accounted for in the calculations. Both the effort and equity multipliers for each State may not be equal to more than 1.05 or less than .95.

The Federal to State allocation formula also provides for a minimum State grant equal to one-quarter of one percent of total title I, Part A funds. This State minimum includes a maximum limit on grants equal to 125 percent of the amount a State would receive without the application of the State minimum. For the first year, there is an addition 15 percent limit on each State's increase in total grants under the committee reported formula as compared to the estimated grant of each State under current law. Finally, there is 100 percent holdharmless provision in the first year after enactment to ensure that no State experiences an actual decline in funds when the new formula takes effect. In the second and third year following enactment a 90 percent and 85 percent holdharmless, respectively, is also applied.

Each of the parts of the Federal to State formula is integrally related to the other, and the committee emphasizes the importance of considering the formula as a whole. Disparities in one provision of the formula are compensated in other provisions, and the old adage that the sum is greater than total of the parts is true with respect to the committee reported formula.

Under the State to district allocation formula, only local educational agencies with at least 5 percent poverty are eligible to receive funds. An optional two percent State level reserve of funds that may be distributed to high poverty schools in ineligible districts is provided to meet the needs of areas with pockets of poverty. In addition, a 1 year 85 percent holdharmless for ineligible districts and 2 year 85 percent holdharmless for eligible districts is included to give communities the necessary time to adjust their educational programs to the new title I, Part A formula.

The State to district allocation formula also includes a weighted child need value. Weighting in the State to district formula is approximately 50 greater than that of the Federal to State formula. In applying child weights based on district poverty figures, States may choose to identify weight classifications or quintiles on the basis of their specific enrollment data rather than national data insofar as such identification results in the increased targeting of funds on low income children in low income areas. An amount equal to 1 percent of each district's student population is to be absorbed by each district and not considered for the purpose of distribution under the State to district allocation formula. The result is higher average child grants for poorer districts.

States have several data sources on which to base district level allocations: (1) Census district level poverty data; (2) AFDC data supplemented by counts of limited-English proficient children; or (3) any other measure of poverty a State chooses as long as it is equated to Census poverty data or targets funds more effectively than Census data.

The district to school allocation formula provides that only schools with poverty rates in excess of the district average or of a level sufficient to implement a schoolwide project are eligible to receive title I funds. In distributing funds, each district must rank its eligible schools according to poverty percentage only and first serve any school with a poverty rate in excess of 75 percent. Funds must then be distributed again in rank order to eligible schools with between 50 percent and 75 percent poverty, except that the ranking may be done on a grade span basis. Remaining funds are to be then distributed in rank order to schools with less than 50 percent poverty. For schools with poverty rates in excess of 75 percent, funds are distributed to such schools in amounts equal to at least 65 percent of the per pupil allocation for each eligible child in such schools. For schools with poverty rates below 75 percent, the district is to allocate at least 65 percent of the per pupil district allocation for each eligible child in the grade levels to be served in such schools. It is the intent of the committee that this 65 percent per pupil minimum be calculated on the basis of the poverty data used by each district to make subgrants to eligible schools. The minimum allocation requirement is not applicable in districts that only serve schools with poverty rates in excess of 50 percent.

The committee reported bill also provides a 2 percent district level reserve which may be used to serve schools outside of rank order but with relatively high need. Certain provisions of the district to school allocation formula are inapplicable in districts with less than 1,000 children, except that such districts must serve schools in rank order according to grade span or school poverty rate and such districts must allocate at least 65 percent of the per pupil district allocation for each eligible child in the grade levels to be served, and in schools participating in desegregation programs that enroll at least 100 poor children or have at least 25 percent poverty.

The committee intends that title I, Part A formula move the program closer to the original purpose of the act. The intent of the act at that time as stated in the Declaration of Policy was to provide financial assistance to "local education agencies serving areas with concentrations of children from low-income families". Several recent reports, including one by the Department of Education, have indicated that this goal is not being achieved. Under current law, funds are spread thinly, indeed to almost every school district regardless of its level of poverty, while at the same time many high-poverty schools go unserved because funds received by their respective district are insufficient to provide services in any but the highest poverty schools.

Title I, Part A—Head Start Program Performance Standards

The Head Start Program Performance Standards were developed in the mid-1970's to establish minimum standards of services to be provided to children and parents in the areas of education, health, nutrition, social services, and parent involvement. Since these standards were implemented, they have been widely recognized as a key to providing high quality, family-centered early childhood development services. A 1993 study by the U.S. Department of Education found that, of a sample of comparable preschool programs serving low-income children, the Heard Start programs were of consistently higher quality than the other programs studied, including Chapter 1 preschools.

The committee believes that all low-income children should benefit from a high-quality, Head Start-style preschool experience which incorporates essential parent involvement and linkages to comprehensive social services. Any State choosing to utilize funds under this part to provide early childhood development services to low-income children under the age of compulsory school attendance shall ensure that such services comply with the Head Start performance standards. Local education agencies may contract with local providers of early childhood education, such as Head Start agencies, comprehensive child development centers, or other appropriate early childhood education service providers to conduct all or part of the services.

Any State that chooses to utilize funds authorized under this act to provide early childhood development services to low-income children below the age of compulsory school attendance may utilize career development and technical assistance funds reserved under title II of this act to promote effective implementation of the Head Start performance standards. The committee expects the Secretary of Education to work with the Secretary of Health and Human Services to coordinate appropriate training and technical assistance and curriculum development activities with the Head Start programs currently funded under this act.

Public schools already compromise more than 20 percent of current Head Start grantees, and have demonstrated ways in which Head Start performance standards can be applied successfully in public school settings. The committee urges the Secretary to draw on the valuable experience and expertise of these Head Start and public school staff, and encourages the use of such personnel to provide peer technical assistance to title I preschool programs.

The committee believes that applying Head Start Program Performance Standards to title I preschool programs will not only improve the quality of these services but will begin to institutionalize activities that will promote a more smooth "transition" from Head Start, and other comparable early childhood programs to the public elementary school system.

Title I, Part B—Transition to Success

The National Task Force on School Readiness established as a primary goal ensuring developmentally appropriate education services, parent involvement, and supportive services for children from birth through the primary grades. The committee recognizes that increasingly, elementary school-age children arrive in the classroom with an array of unmet needs which may prevent them from reaching their potential as students. The committee also acknowledges the critically important role which parents play in their children's education; yet, as Tom Schulz of the National Association of State Boards of Education noted in a subcommittee hearing, only 50 percent of a national sample of elementary schools offer opportunities for parents to serve on committees, and only 37 percent provide parent education workshops. While almost 60 percent of parents of prekindergarten children report talking with teachers on a daily basis, only 23 percent of kindergarten parents do so.

In recognition of the importance of the experiences of children and their parents during the primary grades, the legislation includes the Transition to Success Challenge Grants, included in a new Part B of title I. This program is designed to integrate health and social services, promote a greater degree of parent involvement in the education of their children, and promote developmentally appropriate curricula. The Secretary will withhold 1 percent of title 1, Part A funds until SEA's provide a satisfactory early childhood transition plan. It is the intent of the committee that the Secretary, upon approval of the early transition plan, allocate to each State the proportion of funds reserved at the Federal level equal to 1 percent of that State's Part A grant. In the event that a State does apply to the Secretary for such funds, an LEA may apply directly to the Secretary.

LEA's may apply for the grants if they receive funds under Part A and agree to contribute $1 of matching funds for every $1 made available under Part B. These matching funds may include Federal grants (including funds made available under this act), State or local funds, or in-kind contributions fairly evaluated.

Priority for awards shall be given to applicants that operate their transition projects at a school designated for a school-wide program, have the greatest number or percentage of poor children, and demonstrate a commitment from the local community through dedication of resources from other public and private sources. LEA's currently receiving assistance through the Follow Through Act are eligible to complete their grant cycle under this authority.

In order to receive Transition Project funding, LEA's must form consortia with early childhood development programs to develop and operate programs for children in kindergarten through the third grade. These programs shall assist students and their families in obtaining supportive services, including health, mental health, nutrition, parenting education, and social services. A supportive services team of family service coordinators shall be developed to assist families and administrators in providing these services, to conduct home visits, and to coordinate a family outreach and support program.

The committee expects that the Transition Projects will not provide all of the services directly but develop linkages with existing providers in order to ensure that children and families receive the services they need, including after-school or child care programs for working parents. Nonprofit agencies or institutions of higher learning with experience in early childhood development may participate in the consortia and may provide matching funds for the Transition Projects.

General coordination requirements

While Head Start and other early childhood programs for at-risk children serve the same families as title I schools, there is often little coordination or communication between the two. Frequently, families leaving early childhood programs and entering elementary schools experience a difficult and confusing "transition" from one program to the next. The committee believes that early childhood programs and the elementary schools should work together to make this transition from preschool to kindergarten as successful as possible. Consistent with actions taken by this committee in the Head Start Reauthorization, all LEA's are expected to work with local Head Start and other early childhood development programs to increase coordination and smooth the transition to elementary school.

Transition activities to be undertaken by the Head Start programs and LEA's shall include developing and implementing a systematic procedure for transferring appropriate records, establishing channels of communication between staff members, conducting meetings involving parents, kindergarten and elementary school teachers and Head Start teachers, and organizing and participating in joint staff training. LEA's receiving funds under section 1113 may use such funds for these activities.

Title I, Part C—Even Start Family Literacy Program

Background

The Even Start Family Literacy Program combines early childhood education and adult basic education into a unified program. Its success is due in part to its ability to build partnerships within families so that family members reinforce and encourage each other's learning. Even Start services include the following: adult literacy training, training of parents to aid in the education of their children, identification of eligible participants, testing and counseling, support services, home-based education of parents and children, and staff training. It is closely coordinated with other Federal programs, including the Adult Education Act, JTPA, volunteer literacy programs, and Head Start (which has recently been amended to require all Head Start programs to offer literacy services to all parents of Head Start participants.) Even Start is a State-administered program and there are 344 Even Start sites nationwide—in every State, the District of Columbia, and Puerto Rico.

Provisions of S. 1513

Amendments to Even Start build on earlier amendments to the program in the National Literacy Act, which strengthened targeting of services to families most in need and expanded eligibility of those who can be served. Because research shows that children of teen parents have a 78 percent chance of living in poverty, S. 1513 extends family literacy services to teen parents. In addition, it requires the following: stronger collaboration between schools and communities, that programs provide services for at least 3 years, and that they operate on a year-round basis.

The committee bill continues the practice of limiting the Federal share of the program to 90 percent for the first year of operations, declining to 50 percent during the fifth year or later. This is to encourage grantees to become self-sufficient so that programs will continue to exist after Federal funds are withdrawn. Even Start funds are not intended to be the sole financial base for Even Start efforts. S. 1513 stipulates that services provided under title I may be counted as part of the local contribution for Even Start, which the committee hopes will provide these programs with stronger incentive to work together, and result in improved effectiveness.

To assist States in expanding efforts to promote family literacy, the bill also authorizes competitive grants to States for the establishment and implementation of coordinated literacy efforts. These grants would only be awarded to States that match or exceed the support provided under this part. These grants would be made in years when appropriations are greater than the previous year. The Secretary may use the excess amount, but no more than $1 million, for this purpose.

It is the intent of the committee that participants in the Even Start program may be served with students not participating in Even Start who have similar educational needs, in the same educational settings where appropriate.

Title I, Part D—Education of Migratory Children

Background

The title I migrant program authorizes grants to State educational agencies (SEA's) for special programs designed to meet the needs of children of migratory workers. This program was first enacted in 1966 in recognition of the particularly difficult educational problems migrant children face.

The dropout rate for migrant students is extremely high. Typically, migrant children lag 6 to 18 months behind their expected grade level, beginning in the primary grades. Many migrant children are poor and many do not speak English. Their mobility retards educational progress and they are often difficult to identify and serve.

Because of the transient nature of the population, the program is administered through the SEA's, which make project grants, usually to local educational agencies (LEA's). Migrant funds are distributed to States based on the number of "currentlies" (migrant students who have moved in the past year) and "formerlies" (those eligible for 5 full years after ceasing to move).

Almost 800,000 children were identified in 1993 as migrant, of which 80 percent receive services. Services include educational and other support to improve educational participation and achievement. Health and educational records are required to be transferred from one school to another when a child moves. For years this task has been undertaken by the Migrant Student Record Transfer System, funded through a separate section of the statute for "coordination" activities. The statute also authorizes summer programs, funded through an adjustment made to each State's allocation.

Provisions of S. 1513

S. 1513 extends the migrant education program and makes several changes. It adds a new statutory authority to serve "emancipated" youth, older children who do not travel with their families. The bill authorizes the Secretary, if the Secretary so chooses, to make incentives grants to SEA's that enter into consortia arrangements for the more efficient delivery of services of interstate students. Consortia grants could, for example, be made to encourage greater cooperation in the identification and recruitment of children moving between States. Finally, the bill removes from current law the funding requirement for operating the Migrant Student Record Transfer System, to permit children's records to be transferred in a more cost effective and efficient manner. So as not to disrupt interstate record transfers, the bill does allow the Secretary to extend the current contract for operating the Migrant Student Record Transfer System until January 1, 1995. However, it is the committee's intent that the Secretary review the effectiveness of the current methods used to transfer records and report to Congress no later than October 1, 1995.

The committee reported bill defines "migrant" for the purposes of eligibility in this program as one who has moved within the preceding 48 months. The committee recognizes that cessation of migration does not necessarily mean that a child's need for supplementary educational services disappears. The committee intends that formerly migrant children who no longer meet the definition of "migrant" in the bill and who continue to need supplementary services may receive these services through Part A and other appropriate programs.

It is the intent of the committee that students served under the Migrant Education program may be served with non-migrant students with similar educational needs if it would be beneficial to the students, and it would be more efficient to do so. Students should not be labeled and segregated by Federal categorical programs for audit purposes alone. If it makes sense to serve students together and it will improve the academic performance of the students, it is not prohibited in this or any other program under this act.

Title I, Part E—Education for Neglected and Delinquent Youth

The bill reported by the committee modifies the existing Chapter 1 State Agency Program serving neglected and delinquent youth. The committee recognizes that the current requirement that the institutions for neglected and delinquent youth offer only 10 hours of instruction a week to qualify for funding is far below the amount local school districts provide. The legislation requires youth residing in State youth facilities to participate in education programs for 20 hours a week and those residing in adult facilities to participate in such programs for 15 hours a week in order to qualify for services. The committee intends for programs provided to youth in such facilities to be comparable with those that are being offered by school districts. the allocation of funds is based on a count conducted by the State agency by a date or dates, which must be adjusted to reflect the relative length of such agency's annual programs. For purposes of determining the number of neglected and delinquent children enrolled in a State agency, the committee agrees with the Administration's proposal to decrease the paperwork burden associated with taking average daily attendance. However, due to concerns that the "date or dates" determined by the Secretary for the count may not adequately reflect the number of children enrolled in a State agency in certain periods, the committee added clarifying language to ensure that no State agency will be required to report the count on only one specific date. In order to facilitate a youth's transition back into locally operated programs, the legislation requires the designation of an individual in each institution receiving funds under this part to be responsible for issues related to such transition.

To support systemic educational improvement for all children, the legislation requires that beginning with school year 1996–97 an SEA participating in providing free public education in an institution for neglected or delinquent children and youth or to students attending a community day program for such children and youth shall use funds only for institution-wide projects.

It is the intent of the committee that students served under the Neglected and Delinquent program in schools may be served with other students with similar educational needs if it would be beneficial to the students, and it would be more efficient to do so. Students should not be labeled and segregated by Federal categorical program for audit purposes alone. If it makes sense to serve students together and it will improve the academic performance of the students, it is not prohibited in this or any other program under this act.

Title I, Part F—Federal Evaluations and Demonstrations

The bill reported by the committee authorizes a National Assessment of title I—in coordination with the ongoing National Longitudinal Study—to examine how well schools, local educational agencies, and States are implementing programs authorized under the title. The Assessment—to be planned, reviewed, and conducted with an independent panel of researchers, State and local practitioners, and other appropriate individuals—would examine how well schools, local educational agencies, and States are progressing toward the goal that all children (including those served under the title) will reach challenging State content and performance standards, and are accomplishing the purposes set forth in the title. An interim and final report will summarize the Assessment's findings. The longitudinal study, which will track different cohorts of students within schools with differing poverty concentrations, will provide a useful measure for determining the program's ongoing effectiveness. The bill stipulates that developmentally appropriate measures be used to assess student performance and progress for both the National Assessment and National Longitudinal Study.

The committee also supports funding for demonstrations under this part that show the most promise of enabling children to meet challenging State content and performance standards. The bill authorizes demonstration program grants to be awarded to State and local educational agencies, other public agencies, nonprofit organizations, and consortia of institutions to encourage broad participation in supporting systemic reforms. Finally, strategies to disseminate and use high quality research and knowledge about effective practices for improving teaching and learning would be implemented through grants or contracts.

Title I, Part G—General Provisions

This part will permit State rulemaking related to title I, but makes it clear that regulations should be kept to a minimum and support education reform to enable all children to meet State content and performance standards. The committee recognizes that this bill would impose many new requirements and roles on States such as developing State plans for Part A of title 1, developing and implementing State standards, and providing support to LEA's and schools as they develop schoolwide plans and undergo program improvement. Thus, the committee has included a set-aside of funds, from title 1 grants, for State education agencies for administration and implementation of this program and for program improvement activities. It is the committee's intent that the appropriations that are currently provided as separate line items for State administration and program improvement be added to the overall title I, Part A appropriation so as not to decrease Part A grants for program implementation, administration, and program improvement to States or Part A grants to school districts. States may reserve up to 1 percent of the funds received under title I programs (excluding

Even Start) for State administration in fiscal year 1995, with minimum amounts established for smaller States. States may reserve 1.25 percent for State administration in fiscal years when appropriations are $500 million over the fiscal year 1995 level. They may reserve 1.5 percent in fiscal years when appropriations are $1 billion over the fiscal year 1995 level. States may reserve an additional 0.75 percent from the same sources for improvement activities at the school level.

The committee intends that funds received under this title be used to supplement the education of students receiving services under this title, and the provisions in section 1123(c)(2) and section 1124(b)(2)(3) are meant to carry out the purposes of the original act to expand and improve education programs for students in areas with high concentrations of poverty. However, some States may be using title 1 funds to provide basic services that are routinely available to students in other schools that do not receive such funds. These wide resource variations call into question the supplemental nature of title 1 funding. They suggest that States examine the baseline level of resources in schools served under this act to ensure that the services provided by title 1 are truly supplemental, such that they expand and improve on what the state considers to be a basic educational program.

This part also prohibits the Federal Government from mandating, directing, or controlling a State, local education agency, or school's content or performance standards, assessments, or instruction as a condition of eligibility for title I funds, and states that nothing in title I is to be construed as mandating equalized per pupil spending, or national school building standards.

TITLE II—IMPROVING TEACHING AND LEARNING

Title II, Part A—Dwight D. Eisenhower Professional Development Program

The Eisenhower Professional Development Program is designed to help ensure that teachers, administrators and other staff have access to high-quality professional development that is aligned to challenging State content and challenging State student performance standards. The Eisenhower program builds upon the successes of the Dwight D. Eisenhower Mathematics and Science program, expanding teacher training in mathematics and science to support the development and implementation of sustained and intensive high-quality professional development activities in the core academic subjects when appropriations exceed $250 million.

The committee recognizes that there is a need for the effective involvement of parents in the education of their children and that professional development should include methods and strategies to better prepare teachers and administrators in involving parents.

The authorization of appropriations is $800 million in fiscal year 95. Five percent are allocated to carry out Subpart 1, 93.75 percent to carry out subpart 2 and 1.25 percent to carry out subpart 3.

The committee intends to preserve and enhance the progress that has been made in professional development in math and science, and therefore requires that each State shall ensure that all funds received and distributed by the State are used for professional development in mathematics and science when total appropriations for Part A are less than $250 million. If the amount appropriated is equal to or more than $250 million, 10 percent of the amount above $250 million in addition to the first $250 million will be used for professional development in math and science. The committee acknowledges that States could apply for waivers under section 10401 of the act to provide professional development in subjects other than math and science in years when appropriations are less than $250 million. The committee also notes, however, that the safeguards in section 10401 would apply.

Subpart 1—Federal activities

The Secretary is authorized to make grants and enter into contracts and cooperative agreements to support activities of national significance that the Secretary determines will contribute to the development and implementation of high-quality professional development activities in the core academic subjects and to evaluate activities under subpart 1 and 2.

The Secretary may award a grant or contract to establish an Eisenhower National Clearinghouse for Mathematics and Science Education. The grant or contract shall be awarded for a period of 5 years. The grant or contract shall be used to maintain a permanent repository of mathematics and science education materials and programs for elementary and secondary education, compile information on all mathematics and science education programs administered by each Federal agency or department, disseminate information, and coordinate with existing data bases.

The Secretary is authorized to award a grant to support the establishment of teacher training programs in early childhood education, and the core academic subjects. The teacher training programs shall train teachers who teach grades kindergarten through college and borrow teacher training principles, especially the use of summer institutes and teachers training teachers, and receive technical assistance from, the National Writing Project.

Subpart 2—State and local activities

The Secretary is authorized to make grants to State educational agencies for the support of sustained and intensive high-quality professional development activities in the core academic subjects at the State and local levels.

Each State that wishes to receive funds shall submit to the Secretary an application which shall include a State plan for professional development designed to give teachers, administrators, and pupil services personnel in the State the knowledge and skills necessary to provide all students the opportunity to meet challenging State content standards and challenging State student performance standards. States may use their funds to carry out activities described in the plan.

Each local educational agency that desires to receive a grant shall submit an application to the State educational agency. Each application shall include the local educational agency's plan for professional development, an assurance that the activities conducted will be assessed at least every 3 years, and a description of how the programs funded will be coordinated with other professional development activities.

Each local educational agency shall provide at least 33 percent of the cost of the activities.

Of the amount received by a State 75 percent shall be available for State level activities and local activities. Not more than 5 percent of this amount may be used for administrative costs of the State educational agency and not more than 5 percent may be used for level activities.

Of the amount received by a State 75 percent shall be available to the State agency for higher education for grants to institutions of higher education or private nonprofit organizations of demonstrated experience. A 1991 report conducted by SRI International reveals the significant contributions higher education institutions have made in providing sustained and intensive professional development in math and science under the current Eisenhower program. The committee recognizes that higher education institutions can play an important role in the reform of K–12 education and that higher education should continue as an important resource to strengthen the skills of teachers in math and science and in the other core academic subjects.

All awards to institutions of higher education or private non-profit organizations of demonstrated experience shall be made on a competitive basis. Funds shall be used for sustained and intensive high-quality professional development, preservice training activities, and other sustained and intensive professional development activities related to achievement of the State plan for professional development.

Subpart 3—Professional development demonstration project

The Secretary is authorized to carry out a demonstration project to build national models of professional developments by making grants to eligible partnerships to plan and implement programs. Applicants must be planned, developed, and managed by a consortium that includes, at a minimum, the LEA, the teacher's union, if any, one or more higher education institutions, and local parent and community councils. The purpose of these demonstrations would be to address the need to prepare teachers to teach to higher standards and to show the new organizational arrangements and deep investments in teachers necessary if new standards and assessments are going to lead to improved outcomes for all students, especially poor and minority students who have made the least progress thus far. The programs are to focus on increasing teachers' knowledge and understanding of content and improving their classroom practice in order to help all students.

Subpart 4—General provisions

Each State that receives funds under Part A shall submit a report to the Secretary every 3 years beginning in 1997 on the State's progress. Each local educational agency that receives funds under Part A shall submit a report to the State every 3 years beginning in 1997 on the local educational agency's progress. The Secretary shall report to the President and to Congress on the effectiveness and activities under Part A.

Title II, Part B—National Writing Project

The Secretary is authorized to make a grant to the National Writing Project to support and promote the establishment of teacher training programs in the subject of writing, to support classroom research on effective teaching practices in the subject of writing, and to coordinate activities with the activities funded under Part A. The National Writing Project shall establish and operate a National Advisory Board which shall advise the National Writing Project and review its activities. The authorization of appropriations is for $4 million in fiscal year 95.

Title II, Part C—Support and Assistance for ESEA Programs

Subpart 1—Comprehensive regional centers

In an effort to simplify the current structure of categorical technical assistance centers, the committee consolidated the work of the current centers into 11 regional centers. The Secretary is authorized to establish one center in each of the Department's ten regions and one center at the Pacific Educational Laboratory in order to provide comprehensive technical assistance to States, local educational agencies, schools, and other recipients of ESEA funds. The Secretary also is authorized to provide a technology-based technical assistance service to support the administration and implementation of ESEA programs and to be accessible to all States, local educational agencies, schools, community-based organizations and others.

The committee recognizes the expertise and assistance that existing categorical technical assistance centers offer. During the transition from the existing structure of centers to the "megacenters", the committee does not intend for services to substantially diminish or be interrupted during the transition.

The committee believes that it is critical for the Regional Centers to have representation in each State they serve. For this reason, the committee intends for the State Facilitators authorized under Subpart 2 of this Part to act as a liaison between the comprehensive regional centers and the State in which they work.

The committee urges the Department of Education to jointly plan and implement the technical assistance provided for the Safe and Drug-free Schools program within the Comprehensive Regional Centers with other Federal agencies including the Department of Health and Human Services and the Department of Justice. The committee especially urges the Department of Education to jointly plan and implement such technical assistance with the Center for Substance Abuse Prevention (CSAP) in the Department of Health and Human Services because of CSAP's role as the lead Federal agency for alcohol, tobacco and drug prevention.

Subpart 2—National diffusion network

The bill authorizes the Secretary to establish a State based outreach, consultation, and dissemination program through the National Diffusion Network and its State Facilitators. The Secretary shall make one or more awards in each State. The State Facilitator shall identify educational programs and practices for dissemination, identify needs for assistance, provide professional development and technical assistance, and promote teacher networks throughout the State. The work of the State facilitators shall be coordinated with the work of the Comprehensive Regional centers and shall be administered by the Office of Reform Assistance and Dissemination. The Secretary shall also develop a system of validating effective programs and promising practices for dissemination through the National Diffusion Network to be coordinated, aligned with and administered by the Office of Reform Assistance and Dissemination.

Subpart 3—Eisenhower regional mathematics and science education consortiums

The bill authorizes the Secretary, in consultation with the Director of the National Science Foundation, to award grants or contracts to eligible entities to establish and operate regional mathematics and science consortia. The consortia will disseminate exemplary mathematics and science education instructional materials and provide technical assistance for the implementation of teaching methods and assessment tools. There should be at least one consortia awarded per region unless the amount appropriated is less than $4,500,000. Region is defined as a region of the United States served by a regional education laboratory. The authorization of appropriations is $23 million in fiscal year 95.

Title II, Part D—Territorial Teacher Training Program

The bill authorizes the Secretary to make grants or enter into contracts for the purpose of providing training to teachers in schools in Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia and Palau. The authorization of appropriations is for $2 million in fiscal year 95.

Title II, Part E—Telecommunications Demonstration Project for Mathematics

The bill authorizes the Secretary to make grants to a nonprofit telecommunications entity, or partnership of such entities, to carry out a national telecommunications-based demonstration project to assist elementary and secondary school teachers in preparing all students to achieve State content standards in mathematics. The authorization of appropriations is $5 million in fiscal year 95.

TITLE III—TECHNOLOGY FOR EDUCATION

Background and need for legislation

After reviewing testimony, reports and other available information, the committee concludes that an informed, carefully planned use of technology is critical to improving student achievement and to providing all students with better access to educational opportunities. The high academic standards that the Goals 2000: Educate America legislation seeks to establish cannot be met by many students without the assistance of educational technology. Furthermore, American workers and citizens of the future must be familiar with and able to use technology in a variety of settings.

Despite the pervasive impact of technology on other segments of society, many students never interact with modern technologies in their classrooms. As a result, many students lack access to educational opportunities through which they can gain skills necessary to function effectively in the modern work place. The local bank uses technology far more advanced than the technology in schools in its community. America's schools, with out-dated, often second-hand equipment and classrooms without telephone lines, less adequate wiring, are truly the technological step-children of society.

Yet, because technology and electronic infrastructure are expensive, technology threatens to become another source of inequality among schools and districts across the country. Thus, while there are many technology-based projects and activities underway throughout America, most students and teachers still do not have access to sustained and comprehensive applications of telecommunications and educational technologies. The lack of knowledge or professional development on the part of both teachers and administrators often renders the most well-meaning equipment purchases less than useful. Computers stand in classrooms unused, in boxes unopened. The technology products and systems in place are often not compatible with one another, making it almost impossible for teachers and learners to gain regular access to the world's information services. Further, there is no national vision for a telecommunications and educational technology infrastructure that will assure equal opportunity for all teachers and learners to take advantage of the nation's technology capacities and resources. It is time to develop such a vision congruent with efforts now underway to establish a National Information Infrastructure together with the nation's focus on setting high academic standards for all students through legislation such as Goals 2000: Educate America Act and similar initiatives in a number of States.

Title III, Part A—Educational Technology for All Students

In reviewing impediments to the goal of full integration of technology into the kindergarten through high school curriculum in order to increase student learning and achievement, the committee found three primary obstacles. First, many schools lack the resources to purchase updated equipment. Second, teachers and school administrators do not have access to quality and ongoing training programs to encourage the technology to be used for its maximum benefit. Third, high quality, curriculum-specific software and other technology resources are not readily available for use in the classroom.

Subpart 1—National programs in technology for education

The committee intends that the Office of Educational Technology take a leadership role both within the Department and on behalf of the Department with other Federal agencies and departments to coordinate and encourage the development and use of educational technology to improve student learning. The Director of the Office of Educational Technology is to report directly to the Secretary in order to assure that technology is accorded a high priority by the Department. The Secretary, through the Office, will prepare the national long-range technology plan and will act as a liaison with other Federal agencies and departments. $5 million is authorized for national leadership activities in the first fiscal year.

The bill authorizes a number of new programs for the purpose of providing leadership at the Federal level for the effective use of technology and to promote achievement of the National Education Goals. Specifically, the bill requires the development by the Secretary of a national long-range technology plan, and it authorizes support for a variety of activities, including research, development, demonstration, evaluation, dissemination of information about, and training to support the use of educational applications of existing and newly emerging technologies.

The committee understands that a major barrier to the realization of the benefits of educational technology in many schools is that many teachers and librarians have not been trained in the uses of computers, educational software or other technologies. Not only is training lacking in teacher preparation courses, there are inadequate opportunities for practicing teachers and librarians to learn about developments in educational technology. The bill, therefore, authorizes a fiscal year 1995 funding level of $50 million to regional educational technology assistance consortia to provide State and local educational agencies with technical assistance, professional development services, and information and resources to support implementation of State and local technology plans. The consortia must use at least 80 percent of awarded funds for providing professional development to teachers and administrators.

The committee believes that support for professional development and technical assistance is critical to the success of programs funded through grants made to schools and school districts authorized in Subpart 2. For that reason, the committee intends to underscore the importance of funding professional development and technical assistance.

Additional authorities permit the Secretary to support the development of educational technology products and educational applications of advanced learning technologies. The committee intends for the Secretary to review the product development arrangements for fairness to the educational agencies, bearing in mind the need to provide private firms the incentive to develop the products described in this section. Fifty million dollars is authorized for product development and $20 million for educational applications for advanced technologies.

Finally, the Secretary is authorized to support the development of an electronic network program for the dissemination of educational information throughout the United States. Seven million five hundred thousand is authorized for this purpose. The committee intends that more than one grant be awarded and that the Secretary give due consideration in making such grants to diversity of grantees, both in terms of the type of organizations (profit and nonprofit organizations) and to their geographic location.

Subpart 2—State and local programs for school technology resources, technical support, and professional development

The committee is aware that many schools have acquired computers over the last decade. However, the committee is also aware that many of those computers are out-dated and that students are not receiving the benefits of the new educational technologies now available. The committee also recognizes the important role school libraries and media centers can play in providing access to technologies.

The bill authorizes $200 million in formula grants to the States in support the acquisition of equipment and supporting resources, training, and maintenance of technology. Any State with an approved systemic statewide technology plan would award grants on a competitive basis to local educational agencies that have the highest numbers or percentages of children in poverty and demonstrate the greatest need for technology. When the committee uses the term "greatest need for technology," it intends for the State (or the Secretary, when appropriate) to judge a local educational agency's need for technology based on criteria such as the extent to which a local educational agency is without access to *affordable* technology resources, such as fiber optic cable and *long distance* telephone *service*, because of rural location or other circumstances, the extent to which the LEA has access to other educational technologies and the extent to which a local educational agency has the capacity to raise revenues to purchase technology.

The purpose of the grants is to enable LEA's to purchase technology, install linkages, provide teachers with training, and to assist the community to provide literacy services. Funds would be distributed to States on the basis of title I Part A shares if the total funds available for this Subpart exceed $50 million. If funds available are less than $50 million, the Secretary will award grants on a competitive basis to local educational agencies, either separately or in cooperation with other local educational agencies and/or a State educational agency.

Subpart 3—Special rule applicable to appropriations

The bill requires that when the total appropriation for the various authorities under Subpart 1 together with the appropriation for Subpart 2 is less than $50 million, the Secretary must aggregate the separate appropriations and provide 50 percent for Subpart 1 and 50 percent for Subpart 2. When appropriations are equal to or greater than $50 million, the Secretary must aggregate the amounts and make available $25 million plus 35 percent of the amount in excess of $50 million to carry out Subpart 1 over $25 million plus 65 percent of the excess to carry out Subpart 2.

Title III, Part B—Star Schools Program

The bill reauthorizes the Star Schools program, which supports grants to telecommunications partnerships to enable them to provide distance education services, including facilities and equipment, programming, and technical assistance, designed to improve instruction in mathematics, science, and foreign languages as well as other subjects, such as literacy skills and vocational education. Changes in Star Schools program require that grants be awarded for a period of 5 years and permit grants to be renewed for one additional 5-year period provided services are expanded under the second grant. The bill permits the Secretary to set aside up to 5 percent of the amount appropriated each year for national leadership, evaluation, and peer review activities.

The committee considered the Administration's Star Schools reauthorization proposal and decided to make modifications in the existing Star Schools Program Assistance Act (20 U.S.C. 4081 et seq.), rather than make the dramatic shift in focus suggested by the Administration's proposal. The committee found the Administration's shift away from multi-State consortia to single State or community networks troublesome. The committee believes the economies of scale and diversity offered by distance service to be the heart of the existing Star Schools program and thus rejected this change. Further, changes adopted as part of the Star Schools Amendments of 1991 broadened the target audience to include those with disabilities, limited English proficiency, and adults with literacy needs, while keeping the priority for schools serving a large number of percentage of Chapter 1 students. The committee believes that funding constraints dictate a targeting of Federal support rather than opening the program to all students, as recommended by the Administration. Thirty-five million dollars is authorized for the Star Schools program for the 1995–1996 fiscal year.

Title III, Part C—Ready-to-Learn Television

The bill reauthorizes the Ready-to-Learn Television program, which provides authority for the Secretary to enter into contracts, cooperative agreements, or grants with nonprofit entities (including public telecommunications entities) able to demonstrate a capacity for the development (directly or through contracting with producers) and distribution of high quality educational and instructional television programming for preschool and elementary school children. The purpose of the program is to support the development, production, and distribution of video programming for young children designed to foster their readiness for school. The Secretary may also support special projects to address the learning needs of young children from limited-English proficient households and to increase English literacy skills and knowledge of children's development among parents of young children. Funds may be used for support materials as well as video programming.

Title III, Part D—Elementary Mathematics and Science Equipment Program

The bill authorizes a new program of formula grants to State educational agencies to enable them to award grants to local educational agencies for the purposes of providing elementary schools with equipment and materials necessary for hands-on instruction in mathematics and science. Funds may be used only to purchase science equipment, science materials, or mathematical manipulative materials, and may not be used for computers, computer peripherals, software, textbooks, or staff development. In order to receive funds, a State educational agency must assure that every public elementary school in the State will be eligible to receive assistance once over the 5-year duration of the program, and that during the 5-year period, the State educational agency will evaluate its standards and programs for teacher preparation and inservice professional development for elementary mathematics and science. Local educational agencies must make every effort to match on a dollar-for-dollar basis funds received under this program, but no application may be penalized or denied assistance based on a failure to provide matching funds. Thirty million dollars is authorized for this program in fiscal year 1995.

Title III, Part E—Elementary and Secondary School Library Media Resources Program

Many elementary and secondary school libraries througout the United States are dependent on collections purchased in the mid-1960's under the original Elementary and Secondary Education Act. The ESEA has not included targeted funds for library materials since 1988 and, as a result, some school library collections are deteriorating.

Under this Part, the Secretary is authorized to set aside at least 10 percent but not more than 20 percent of the amount appropriated for Part A of title III to make awards to States for the acquisition of school library media resources for the use of students, library media specialists, and teachers in elementary and secondary schools. Funds are to be distributed on a competitive or formula basis, depending on the total amount of funds available.

Title III, Part F—Buddy System Computer Education

The bill authorizes a series of demonstration grants to 3 States to help middle school students develop skills critical to educational growth and success in the workplace through the use of computers both in the classroom and at home.

TITLE IV—MAGNET SCHOOLS ASSISTANCE

Background

The Magnet Schools Assistance Program (MSAP) provides competitive grants to local educational agencies (LEA's) for magnet schools that are intended to reduce, eliminate, or prevent minority group isolation in elementary and secondary schools and to strengthen students' knowledge of academic or vocational subjects. In order to be eligible for a grant, an LEA must be participating in a court-ordered or voluntary desegregation plan. Magnet schools or education centers provide a special curriculum intended to be atdtractive to substantial numbers of students of different races. In addition to providing funds to operate magnet programs designed to promote desegregation and student achievement, the MSAP can provide leverage to school districts in building local capacity to continue and expand the programs.

Provisions of S. 1513

Title IV of the bill reauthorizes the Magnet Schools Assistance program and includes several new elements designed to strengthen the focus on reducing minority group isolation; link magnet schools to systemic reform efforts; and enhance the quality of the program. One hundred twenty million dollars is authorized in fiscal year 1995.

The new findings section summarizes the program's accomplishments, specifies areas for improvement, and affirms the Federal

Government's support of the program. The bill retains the existing statement of purpose—to eliminate, reduce or prevent minority group isolation and provide courses of instruction that will strengthen knowledge of academic and vocational subjects—and expands it by linking the program to systemic reform efforts. Applicants that demonstrate the greatest need for assistance would continue to receive priority. Priority will also go to applicants that propose to carry out new or significantly revised magnet schools projects, serve a wide range of students by basing student selection on multiple criteria, rather than relying solely on academic examination, and draw on comprehensive community plans. The bill would allow grantees to use funds to make the magnet curriculum available to all students in the school, not just those enrolled in the magnet school program.

The committee recognizes that segregation is not always a problem confined to one school district. In regions with small school districts, patterns of segregation can extend across several districts. In recognition of this problem, the committee includes language clarifying that consortiums of local educational agencies are eligible to apply for magnet school grants.

As in current law, the bill prohibits grantees from using magnet school funds for transportation or any other activity that does not augment academic improvement; however, the ban on using funds for consultants has been removed. In order to give grantees adequate time to develop and implement new and innovative programs, the bill authorizes a 4-year project period and allows grantees to use funds for planning during the first 3 years of the grant period. By requiring grantees to contribute part of the cost of the project, the bill will help develop local capacity to continue projects after Federal funding ends.

Finally, a new provision establishes an Innovative Programs component, which will enable the Secretary to provide funds on a competitive basis for local innovative programs that fulfill the purposes of the Magnet School program. For example, the committee is aware that some school districts are developing Schools of Special Emphasis, which seek to strengthen neighborhood schools as part of the district's desegregation plan. Another promising approach involves Community Model Schools, which are comprehensive community schools developed with significant parent and community involvement and organized around special themes or concepts. The intent of this section is to foster meaningful interaction among students of different racial and ethnic backgrounds.

TITLE V—BETTER SCHOOLS FOR AMERICA

Title V, Part A—Safe and Drug-Free Schools and Communities

Title V reauthorizes the Drug-Free Schools and Communities Act of 1986 and expands its focus beyond drug and alcohol prevention to include violence prevention, in support of the National Education Goal that by the year 2000, every school in the United States will be free of drugs, violence, and the unauthorized presence of firearms and alcohol, and will offer a disciplined environment conducive to learning.

Findings and purpose

The findings and statement of purposes are revised to incorporate specific references to alcohol and tobacco, which are the most widely used drugs among young people, and violence, including violence related to prejudice and intolerance, consistent with the expanded scope of the program. The committee intends that anti-bias and prejudice reduction school and community-based programs should be part of the programmatic activities funded under this legislation to reduce and prevent school violence. The committee also recognizes that character education can be a valuable tool to combat the serious problems of drug abuse and violence.

Current national statistics regarding the use of drugs and violence in our Nation's schools paint a distressing picture. About 3 million thefts and violent crimes occur on or near a school campus each year, nearly 16,000 incidents per school day. About one in five high school students regularly carries a firearm, knife, razor, club, or other weapon. Many of these students carry those weapons to school. The University of Michigan Institute for Social Research's 1993 "Monitoring the Future" Survey, released in early 1994, reports that illicit drug use among American teenagers increased in the past year. More 8th, 10th, and 12th graders are using marijuana, LSD, inhalants, and stimulants. The survey also found that, by the 8th grade, 67 percent of youngsters have tried alcohol and 26 percent say they have been drunk at lease once. Similarly, cigarettes have been tried by 45 percent of 8th graders.

Drugs and violence are related in many ways. Some drugs affect the user in ways that make violence more likely. Some drug users commit violent acts to get money to buy drugs. Violence is common in drug trafficking as a result of disagreements about transactions and because traffickers use violence as a way to gain competitive advantage.

Authorization of appropriations

The legislation authorizes the appropriation of $660 million in fiscal year 1995. Of the amount appropriated, up to 10 percent is allocated to subpart 2, National Programs. The remainder is for subpart 1, which includes State grants as well as set-asides for the Outlying Areas, programs for Indian youth and Native Hawaiians, and a national impact evaluation.

Funding for State and local programs

Funds for State and local programs would be allocated by formula, half on the basis of school-aged population and half on the basis of State shares of title I funding. Of the total allotted to each State, 80 percent would be allocated to State and local educational agencies, and 20 percent to the Governor. In order to target resources where they are most needed, SEA's would be required to allocate 30 percent of their LEA funding to high-need LEA's, which would be limited to five LEA's or 10 percent of the LEA's in a State, whichever is greater. The committee understands that in some areas where data are not generally collected on the incidence of violence and drug and alcohol use, a State may have to use its discretion in determining which local educational agencies have the greatest need for additional funds.

The remaining 70 percent would be allocated to all eligible LEA's in the State, based on public and private school enrollment.

Governors funds would continue to support programs operated by parent groups, community action and job training agencies, community-based organizations, and other public and private nonprofit organizations. To reduce duplication with LEA programs, Governors would be required to give priority to programs and activities for children and youth who are not normally served by State or local educational agencies, or for populations that need special services or additional resources (such as preschoolers, youth in juvenile detention facilities, runaway or homeless children and youth, pregnant and parenting teens and dropouts).

Applications

To improve accountability, States will be required to conduct a needs assessment and both States and LEA's will be required to articulate measurable goals and objectives for their programs and describe how progress toward attaining those goals and objectives will be assessed and reported to the public. State and local applications will be developed in consultation and coordination with appropriate officials and others in the fields of health, criminal justice, social services, and education as well as parents, students, and community-based organizations. New provisions for the use of peer review or other methods of reviewing applications by SEA's will also improve the quality of applications and increase accountability.

Local drug and violence prevention programs, authorized activities

The legislation takes a comprehensive, integrated approach to drug and violence prevention by recognizing that drug use and violent behavior share many of the same causes and may be amenable to common solutions. The legislation authorizes a broad range of prevention activities, including drug prevention education; comprehensive health education; early intervention, counseling, mentoring, and rehabilitation referral; professional development of school personnel, parents, law enforcement officials, and others; the implementation of strategies such as conflict resolution and peer mediation to combat school violence and other forms of disruptive behavior such as sexual harassment and abuse; before- and after-school recreational, instructional, cultural, and artistic programs in supervised community settings. Character education programs, which teach non-controversial values such as democracy, self-discipline, and personal and civic responsibility, are also examples of violence education programs. Character education programs are tailored by communities, parents and schools to reinforce at school the efforts that parents make in the home. Funds for metal detectors, security officers and law enforcement personnel, and for "safe zones of passage" for students between home and school would be limited to 10 percent of an LEA's grant, and would be permitted only if the LEA does not receive funding for such activities from another Federal agency.

Evaluation and reporting

A National Impact Evaluation is required to assess the effectiveness of the Safe and Drug-Free Schools and Communities Act in preventing substance abuse and violence among youth and in schools and communities. The evaluation is to be conducted biennially by the Secretary, in consultation with the Secretary of Health and Human Services, the Director of the Office of National Drug Control Policy, and the Attorney General. Consultation should include coordinating with other similar evaluation activities at the Center for Substance Abuse Prevention and Centers for Disease Control and Prevention.

National programs

Funds for National Programs would support national leadership activities that complement the State, local, and Governor's programs, and would include training, rigorously evaluated demonstrations, research and program evaluation, direct services to school systems with severe problems, and the development and dissemination of curricula and instructional materials. Funds would also be authorized for grants to institutions of higher education for programs to prevent violent behavior and the illegal use of alcohol and other drugs by students attending such institutions.

Title V, Part B—Assistance to Address School Dropout Problems

The committee recognizes the importance of dropout prevention as an important component of providing a world-class education to students as well as a means to assist in achieving the second National Education Goal, that by the year 2000, the high school graduation rate will increase to at least 90 percent.

This part reauthorizes the current Dropout Prevention Demonstration Assistance program as a permanent program. The purpose of this program is to reduce the number of children who do not complete their elementary and secondary education. It authorizes grants to local educational agencies (LEA's), community-based organizations (CBO's), and educational partnerships for programs to (1) identify potential dropouts and prevent them from leaving school early, (2) identify students who already have dropped out and encourage them to return, (3) identify at-risk students in elementary and early secondary school, and (4) establish model systems for collecting and reporting information on dropouts.

The bill authorizes the Secretary to reserve up to $2 million of each year's appropriation for a national evaluation of the program. The remaining funds are to be used for grants to the following categories: 25 percent to LEA's enrolling at least 100,000 students, 40 percent to LEA's with between 20,000 and 100,000 students, 30 percent to LEA's with fewer than 20,000 students, and 5 percent to community-based organizations. Within each of these categories, the Secretary is to give special consideration to awarding funds to partnerships of LEA's, private businesses, COB's, and other public and private nonprofit entities. Federal funds may account for 90 percent of the total cost of a project for the first year and 75 percent for the second and subsequent years.

The bill authorizes a wide variety of educational, occupational, and basic skills testing services and activities, including extended day or summer basis skills programs, work-study and apprenticeship programs, training for school staff to identify children at risk of dropping out and to intervene in the educational program of such children with support and remedial services, testing services and activities, summer employment and occupational training programs, career opportunity, job skills counseling, and job placement services, mentoring programs, and various studies.

TITLE VII—LANGUAGE ENHANCEMENT AND ACQUISITION PROGRAMS

Title VII, Part A—Bilingual Education Programs

Background

Originally enacted in 1968, title VII has always been a program to increase the capacity of LEA's and SEA's to provide special instruction to limited-English proficient students. Given the changing demographics of our student population, where now one in seven children comes to school speaking a language other than English, the committee intends to insure the inclusion of limited-English proficient students in national education reform, as the bill recasts the bilingual education program to support achievement of the National Education Goals and related school reform efforts. The committee recognizes that the primary purpose of bilingual education programs is the learning of English in all areas of the curriculum, while strengthening the development of the language and cultural skills necessary for the United States to compete effectively in a global economy.

Provisions of S. 1513

The Secretary is authorized to make four types of grants under Subpart 1 for the provision of bilingual education services: Development and enhancement grants for developing new bilingual education programs as well as enhancing or expanding existing programs; comprehensive school grants for the purpose of implementing schoolwide bilingual education programs; and comprehensive district grants to local educational agencies for implementing district-wide bilingual education programs. Comprehensive School and District grants are limited to a five-year period, except that the Secretary will terminate grants if the 2-year program evaluation indicates students in the program are not being taught to and achieving challenging State content standards and challenging State student performance standards or if a program intended to promote dual-language facility is not meeting that intent.

The Bilingual Education program also develops a new system of research and local program evaluation to promote the use of English and native language assessments that measure achievement of the same high standards expected of all students, and integrate title VII project evaluations with those of other Federal, State or local programs. The committee recognizes that while bilingual instruction by a teacher who knows a student's native language may be desirable, it is not always feasible or practicable. Little is known about effective practices of instruction in classrooms where children speak several different languages, and where the teacher does not know a student's native language. Therefore, the committee bill authorizes the Secretary, through the Office of Educational Research and Improvement if appropriate, to conduct research on effective instruction practices in these instances and to disseminate the findings.

The bill strengthens the State role by requiring that the SEA's review of the LEA applications include a determination of whether the proposed program is consistent with the State's plans for systemic reform. Provisions also include an enhanced State education agency grants program. Grants to States will support State assistance to LEA's with program design, assessment of student performance, and project evaluation.

The bill also redesigns the professional development program to help create a highly trained cadre of school staff who will serve LEP students, and ensure that programs for LEP students are integrated with the general school curricula and form an integral part of school reform efforts.

The committee bill clarifies that migrant children whose native language is not English and who come from an environment where another language is dominant shall be considered "limited-English proficient," and therefore are eligible for services under the bilingual education program.

The committee intends that the Secretary shall, to the extent possible, take into account significant increases in limited-English proficient children and youth in areas with low concentrations of such children and youth. The committee recognizes that for many rural districts, the enrollment of a few children who do not speak English may justify a greater need for assistance than the enrollment of many limited-English proficient children in districts with established bilingual education programs.

It is the intent of the committee that limited-English proficient students served under the Bilingual Education program may be served with other students with similar educational needs if it would be beneficial to the students, and it would be more efficient to do so. Students should not be labeled and segregated by Federal categorical programs for audit purposes alone. If it makes sense to serve students together and it will improve the academic performance of the students, it is not prohibited in this or any other program under this act. Two hundred fifteen million dollars is authorized in fiscal year 1995.

Title VII, Part B—Foreign Language Assistance

Background

As the U.S. moves towards the global economy of the 21st century, there is a growing need for Americans to acquire a global perspective. Foreign language proficiency is crucial to the Nation's economic competitiveness and national security. In addition, the committee acknowledges that multilingualism enhances cognitive and social growth and understanding of diverse people and cultures and that the optimum time to begin learning a second language is in elementary school. Proficiency in 2 or more languages should be promoted for all American students and therefore, foreign language instruction offered in the Nation's elementary and secondary schools needs to be significantly improved and expanded so that all students have the opportunity to study it at the elementary level.

Provisions of S. 1513

The committee has chosen to reauthorize the foreign Language Assistance Program as a discretionary grant program within title VII, rather than the current formula-driven program in Part B of title II. Thirty-five million dollars is authorized in fiscal year 1995.

The Secretary is authorized to make three types of grants. First, grants to State educational agencies shall support programs that promote systemic improvements to foreign language instruction in the State. Second, grants to local educational agencies shall support programs that show promise of continuing beyond the grant period, which can be used as dissemination models for other local education agencies and which promote professional development for foreign language teachers. Third, incentive grants may be made by the Secretary to elementary schools that offer programs leading to communicative competitive competency in another language.

TITLE VIII—PROGRAMS OF NATIONAL SIGNIFICANCE

Title VIII, Part A—Arts in Education

The purpose of this program is to support States, LEA's, or other public or private agencies to strengthen instruction in and improve student learning through the arts. The Departments Education's efforts are to be better coordinated with the efforts of other agencies and it will continue to support arts education programs offered by the Kennedy Center and by Very Special Arts.

Title VIII, Part B—Inexpensive Book Distribution Program

Background

This program is designed to motivate children to read by providing free books and organizing activities that encourage reading. Reading is Fundamental, Inc. (RIF), a national nonprofit organizations, is the sole contractor for this program and the vehicle through which the program purchases and distributes books to local projects These local projects are administered by schools, public agencies and non-profit organization, and utilize thousands of volunteers. In funding new projects, RIF gives priority to projects serving special needs population, including low-income children.

Provisions of S. 1513

Part B of title XVIII authorizes the Secretary to enter into a contract with Reading is Fundamental (RIF) to support and promote programs, including the distribution of inexpensive books, that motivate children to read. The committee's bill gives priority to new projects serving a significant number of disadvantaged children The contractor enters into subcontracts with local private or public nonprofit organizations or agencies. The contractor also would provide technical assistance to these subcontractors.

Title VIII, Part C—Public Charter Schools

Charter schools are public schools that are frequently exempt from input-oriented mandates, but are still accountable to a public entity through a contract that commits the schools to achieving specified academic or other results. Although the State laws very, charter schools must be non-sectarian, may not charge tuition and may not discriminate in admitting students.

This bill includes a new $15 million Federal grant program proposed by the Administration for public charter schools. The House version of this legislation limits the program in one important way—only charter schools in partnership with local education agencies are eligible for grants.

The grant programs, as set forth in the Senate bill, allows grants to flow either directly from the Secretary to States (whereupon the State awards grants to eligible applicants) or, where a State doesn't apply for a grant, directly from the Secretary to eligible local education agencies or other public entities authorized under State law in partnership with a charter school.

Funds may be used for up to 18 months for planning and program design and for no more than two years for initial implementation of charter schools. Applications may be for one charter school or for a cluster of charter schools, which may include a secondary school and its feeder elementary and middle schools. A particular school may not receive more than one grant. Grantees may use funds to: refine desired educational results and methods for measuring progress toward achieving those results; inform the community about the school; acquire necessary equipment, materials and supplies; make minor renovation or remodeling needed to meet health and safety laws or regulations, or acquire or develop curriculum materials.

States receiving grants may retain 20 percent of the funds to establish a revolving loan fund to ease the cash flow of new charter schools until State and local operating funds begin flowing.

The Secretary may evaluate charter schools and engage in other activities designed to assist States, local communities and others authorized to establish charter schools including technical assistance in drafting legislation and charters, establishing and monitoring measurable outcomes and using publications, conferences and telecommunications technology.

Applications will be judged on the basis of their quality, including such factors as the flexibility afforded to the school; community support; and the likelihood the school will meet its objectives. Applications must specify waivers and exemptions granted by the State.

Title VIII, Part D—Civic Education

The bill creates a new Civic Education part consisting of two programs. The first program authorizes continued support of the Center for Civic Education for its "We the People . . . The Citizen and the Constitution" program. The second program authorizes grants and contracts to assist State and local educational agencies and other public and private nonprofit agencies, organizations, and institutions to improve students' achievement of challenging State content and student performance standards in civics, government, and the law. It provides grants to teach about the Bill of Rights, "values and principles" which underlie citizenship, and "the use of non-violent means of conflict resolution". The committee intends that programs receiving grants under this provision include activities to promote respect for cultural diversity and acceptance of cultural differences. Funds are to be used to support new and ongoing programs in elementary and secondary schools, including development and implementation of new curricula, professional development for teachers, outside-thee-classroom experiences for students, participation of community leaders in the schools, and technical assistance. Priority is to be given to statewide programs, and grants are to be awarded for a period of two or three years. Of the funds appropriated for Civic Education each year, one-half is to be allocated to each of the two programs authorized.

Title VIII, Part E—Allen J. Ellender Fellowship Program

The bill reauthorizes the Ellender Fellowship Program, administered by the Close-Up Foundation of Washington, DC, which provides financial assistance to enable students and their teachers to participate in week-long seminars in Washington to increase their understanding of the Federal Government. A separate program is authorized, also administered by the Close-Up Foundation, to increase understanding of the Federal Government among economically disadvantaged older Americans, recent immigrants,and students of migrant families. Changes in the program are designed to increase opportunities for children from low-income families to participate in the program.

Title VIII, Part F—Gifted and Talented Children

The bill reauthorizes the Jacob K. Javits Gifted and Talented Students Education program to provide financial assistance to State and local educational agencies, institutions of higher education, and other public and private agencies and organizations for a coordinated program of research, demonstration projects, personnel training, and other activities designed to enhance the capability of elementary and secondary schools to meet the special educational needs of gifted and talented students.

Funds may be used for professional development of teachers; model projects for serving gifted and talented students; implantation of innovative strategies such as cooperative learning, peer tutoring, and service learning; strengthening the capability of State educational agencies and institutions of higher education to help local educational agencies and nonprofit private schools serve gifted and talented students; technical assistance and information dissemination; and research on serving gifted and talented students and using gifted and talented programs and methods to serve all students. A National Center for Research and Development in the Education of Gifted and Talented Children and Youth, to be funded to no more than $1,750,000 each year, is to be established to carry out research activities. In administering the program, the Secretary must give priority to services for gifted and talented students who may not be served through traditional assessment methods (including economically disadvantaged students, students of limited-English proficiency, and students with disabilities).

It is the committee's intent that the first $20 million authorized for the Javits program be spent on activities designed to enhance programs to serve gifted and talented students. Maintaining the integrity of this program is especially important considering that the unique needs of our most talented young people have not been adequately met. According to a report by the Department of Education only two cents of every $100 spent on K–12 education go to serve the special needs of the gifted and talented.

However, the committee also recognizes that the methods and materials developed to serve the gifted and talented can be used to encourage the development of rich and challenging curricula for all students. The legislation provides that 40 percent of funds appropriated above $20 million be used to develop methods to serve all students. In this way, the committee maintains its commitment to the needs of this special population while recognizing the benefits that can be provided to all students.

It is the intent of the committee that students served under the Gifted and Talented program may be served with students not served under the program with similar educational needs and abilities. For example, gifted and talented students may be served with students not identified as gifted and talented if the school determines that it would be beneficial to the students, and it would be more efficient to do so. Students should not be labeled and segregated by Federal categorical program for audit purposes alone. If it makes sense to serve students together and it will improve the academic performance of the students, it is not prohibited in this or any other program under this act.

Title VIII, Part G—Women's Educational Equity

Background

The Women's Educational Equity Act (WEEA) was enacted in 1974 to promote the letter and spirit of title IX, the Federal statute barring sex discrimination in Federally funded education programs. Since that time, WEEA has funded research and development, training programs, guidance and testing activities, and other projects to promote educational equity for women and girls. The WEEA Publishing Center has disseminated quality materials related to gender equity in the classroom.

Although women have made strides in education and the workplace since the enactment of WEEA, they have by no means achieved equity in either arena. Some research shows that a pattern of gender inequity often persists in school practices. In addition, educational materials often do not sufficiently reflect the experiences, achievements and concerns of women.

Provisions of S. 1513

The bill expands the scope of the Women's Educational Equity grants to public agencies, private nonprofit organizations and individuals to support demonstration programs and local implementation projects, such as gender equity training for teachers, counselors, and other school personnel, school-to-work transition programs, and leadership training for women and girls. The bill also authorizes research and development activities, coordinated with the Department of Education's Office of Educational Research and Improvement, designed to advance gender equity through the development of model curricula, textbooks, software and other educational materials that are free of gender stereotypes, and through the development of high-quality nondiscriminatory assessments and teacher training. Applications for funding under this program must be submitted to the Secretary and include information on its evaluation component, linkages to systemic reform efforts, including the National Education Goals, and the School-to-Work Opportunities Act, provisions for parental involvement, and partnerships with other recipients of Federal funds. The bill gives special consideration to applicants that have not previously received funding under this program and that draw on a variety of resources and use a comprehensive approach for achieving gender equity. Two million dollars is authorized for fiscal year 1995.

Title VIII, Part H—Fund for the Improvement of Education

The bill authorizes $35 million in fiscal year 1995 for a new Fund for the Improvement of Education, replacing the former Fund for Innovation in Education. The Secretary may use the Fund to support nationally significant programs and projects to improve the quality of education, assist all students to meet challenging State content and student performance standards, and contribute to achievement of the National Education Goals. Activities may be carried out directly or through grants or contracts with State and local educational agencies, institutions of higher education, and other public and private agencies, organizations, and institutions.

Funds may be used for activities that will promote systemic reform; demonstrations that will yield nationally significant results; joint activities with other Federal agencies; and activities to promote a variety of educational programs, approaches, and strategies. The Secretary may make awards on the basis of announced competitions and support meritorious unsolicited proposals. Peer review is to be used in reviewing applications.

Title VIII, Part I—Blue Ribbon Schools

The bill reauthorizes the Blue Ribbon Schools program, which permits the Secretary to carry out programs to recognize elementary and secondary schools or programs for their standards of excellence and demonstrated quality. The Secretary must select public and private schools and programs through competition, with awards to be made solely on the basis of merit, without regard to whether they are representative of the States. No award can be made unless the local educational agency submits an application to the Secretary. One million dollars is authorized for fiscal year 1995.

Title VIII, Part J—National Student and Parent Mock Election

The bill authorizes $125,000 in each fiscal year 1995–99 for the award of grants in every election year to national, nonpartisan organizations that work to promote voter participation in American elections to enable such organizations to carry out simulated national elections that permit participation by students and parents in all 50 States. The voter education activities may include school forums, local cable call-in shows, speeches and debates, mock press conferences and speechwriting competitions, and school and neighborhood campaigns to increase voter turnout.

Title VIII, Part K—Elementary School Counseling Demonstration

The committee finds that elementary school children are being subjected to unprecedented social stresses, including fragmentation of the family, drug and alcohol abuse, child abuse, poverty, and violence. As these problems intensify, an increasing number of young children are exhibiting symptoms of distress. Although experts believe that intervention at an early age is the most beneficial, there are very few school counselors, psychologists and social workers available to elementary school children.

This new program would authorize grants to local educational agencies to enable them to initiate or expand school counseling programs for elementary school children. Programs would have to be comprehensive in addressing the personal, social, emotional, and educational needs of the students. Ten million dollars is authorized for fiscal year 1995.

The committee recommends that the program ensure a team approach to school counseling by maintaining a ratio in the elementary schools of the local educational agency that does not exceed 1 school counselor to 250 students, 1 school worker to 800 students and 1 school psychologist to 1,000 students.

Title VIII, Part L—21st Century Community Learning Centers

The 21st Century Community Learning Centers program authorizes $20 million for the Secretary to make grants to schools, or a consortia of schools, to plan and implement activities to coordinate the education, recreation and social service needs of its community. Modeled after successful programs throughout the country, this program will provide seed money for schools to collaborate with businesses, cultural and human services providers to maximize community access to essential educational and human services. The goal of this program is to expand the use of the school building beyond regular school hours to serve the needs of children and the community at large. Studies indicate that parent and non-parent community involvement within the school building fosters lifelong learning, encourages greater community support for schools and creates a more conducive learning environment for children. Demographic and economic changes require communities to examine cost effective means of serving the needs of all residents; this program encourages one such example.

Title VIII, Part M—Model Education Projects

This new program authorizes $5 million in grants to cultural institutions for model projects for at-risk children in the institutions' communities. The projects are intended to integrate an institution's cultural program with other disciplines, including environmental, mathematics and science programs.

Title VIII, Part N—Extending Time for Learning

Increasing amounts of research, including a report by the Commission on Time and Learning, indicate that the new content and performance standards for what all students should know and be able to do will require students and teachers to spend more—and better quality—time working together. The third National Education Goal states that all students shall be competent in challenging subject matter in the common core of subjects. Realizing this goal will require considerably more common core learning time for students, as well as professional development time for teachers.

The Extending Time for Learning Act would encourage enable schools to develop and implement strategies for extending and enriching common core learning time. The program would make grants to local educational agencies to support outreach to and consultation with community members, including teachers, parents, students and other stakeholders, as well as public housing authorities, libraries, businesses and other community organizations to coordinate the operation of high quality educational activities during and beyond the school day, both on and away from the school site. Funds may also be used to provide professional development for school staff in innovative teaching methods that increase the productivity of common core and extended learning time. Twenty million dollars is authorized in fiscal year 1995.

Title VIII, Part O—Creating Smaller Learning Communities

Recent efforts to reduce class or learning community size in large schools, when coupled with innovations and improvements in teaching and learning, have been successful in contributing to increases in student achievement, grade promotion and attendance, as well as decreases in violence and disruptions.

The Creating Smaller Learning Communities Act would promote the development and implementation of strategies to create smaller learning communities, such as schools-within-schools, as well as effective and innovative changes in curriculum and instruction to be used in the new learning community or communities. Professional development would be provided for teachers involved in the new learning community or communities. Parents, business, community groups and organizations could also participate in and facilitate the development of smaller learning communities. Students will be placed in the smaller learning communities at random or by their own choice, not according to tests or other judgments.

TITLE IX—SPECIAL PROGRAMS

Title IX, Part A—Impact Aid

The committee reported bill reauthorizes and revises the Impact Aid program. Section 9003 retains the current section 2 program, which compensates school districts that experience a financial burden due to the acquisition of otherwise taxable property by the Federal Government. A signficant change made to the section 2 program requires that the assessment of financial burden on a district be valued according to the highest and best use of any land that directly borders Federal acquired property.

Section 9004 retains the current section 3 program to provide financial assistance to school districts that educate large numbers of children connected to a Federal activity. The section 3 program is revised to better reflect district need for assistance. A weight is assigned each class of eligible children in the program. Children who reside on Federal property and also have a parent employed on Federal property ("a" children under current law) are assigned a weight of 1.0. Children who reside on Indian land are assigned a weight of 1.25. Children who reside in low-rent housing or have a parent on active duty in the uniformed armed services, but do not reside on Federal property ("b" children under current law) are assigned a weight of .10. Lastly, children who do not live on Federal property, but have a civilian parent employed on Federal property, are assigned a weight of .05. In each district, the sum total of these weights is multiplied by another need calculation based on the degree of impaction and percentage of budget that Impact Aid payments comprise. Although still complicated, the committee believes these provisions are significant steps in further simplifying and basing the program more on district need as compared to current law.

Section 9004 also contains several provisions for groups of especially needy districts, including (1) heavily impacted districts (known as 3(d)2(B) districts under current law); (2) districts with children with disabilities; and (3) districts with children with severe disabilities whose placement results from a "compassionate post assignment." In particular, the committee notes that 6 percent of total program funds are dedicated for heavily impacted districts. These districts with little to no tax base are among the neediest.

Section 9004(g) provides that financial assistance to local school districts for Federally connected children from sources other than the Department of Education, such as the Department of Defense, be considered as part of a district's Impact Aid payment. If the sum total financial assistance to a district from these other sources and the Impact Aid program exceeds the maximum Impact Aid entitlement for a particular district, then the Impact Aid payment from the Department of Education to that district shall be reduced by the amount in excess of the district's Impact Aid entitlement. The reduction is to ensure that no district receive financial assistance for Federally connected children in excess of its maximum Impact Aid entitlement while other especially needy districts are receiving financial assistance in amounts less than their maximum Impact Aid entitlement. Funds made available due this reduction are to be distributed first to districts that educate severely disabled Federally connected children as a result of a "compassionate post assignment" of military personnel by the Secretary of Defense and second to other districts that educate Federally connected children with disabilities.

Sections 9008 and 9009 authorize construction, facilities, and repair assistance for heavily impacted districts, districts with heavy concentrations of children living on Indian land and districts with bases undergoing realignment. Section 9010 extends the current law treatment of payments by States in determining State aid.

Finally, two provisions are included in the committee reported bill to assist those districts adversely affected by military base realignment. First, section 9007 authorizes funds for districts who experience a 100 student or 10 percent increase in military connected enrollment in any given year. Second, section 9004 provides for a 90 percent holdharmless applicable in every district for a maximum of two consecutive years. The committee emphasizes that the holdharmless authority in addition to required use of prior-year data in making allocations has the effect of ensuring that over a three year period, districts will be held harmless for 100 percent, 90 percent, and 90 percent of their previous year's payment. The committee believes that this mitigates the potential financial effects of the reauthorization and provides sufficient time to meet longstanding district obligations, such as teacher contracts.

Title IX, Part B—Emergency Immigrant Education Program

The Emergency Immigrant Education Program provides funds to states on a formula basis to assist local educational agencies that experience unexpectedly large increases in their student population due to immigration. Funds are used to assist local education agencies in their efforts to provide quality instruction to immigrant children and youth which will ease their transition into American society and help them meet the same challenging State performance standards expected of all children and youth.

Provisions of S. 1513

S. 1513 maintains the formula grant structure of the Emergency Immigration Act makes the program part of title IX, Special Programs. The bill contains provisions to simplify the distribution of State allocations, but maintains current law eligibility for local educational agencies. For the purposes of the act, "immigrant" is defined as a child who was not born in any State and has not attended school in the United States for more than 2 full academic years. Once the appropriation for the program reaches $50 million, the Secretary is authorized to reserve the excess amount to award grants on a competitive basis to local educational agencies to help meet the needs of areas with especially high immigrant populations—areas in which immigrant youth represent at least 10 percent of the LEA's total enrollment. Uses of funds include: parent outreach and training; salaries of personnel; tutorials and career counseling; acquisition of curricular materials; basic instructional services which are directly attributable to the presence in the school district of immigrant children, including the costs of providing additional classroom supplies, overhead costs, costs of construction, acquisition or rental of space, costs of transportation; and other related activities authorized by the Secretary.

It is the intent of the committee that students served under the Emergency Immigrant Education program may be served with other students with similar educational needs if the school determines it would be beneficial to the students, and it would be more efficient to do so. Students should not be labeled and segregated by Federal categorical program for audit purposes alone. If it makes sense to serve students together and it will improve the academic performance of the students, it is not prohibited in this or any other program under this act.

Title IX, Part C—Education for Native Hawaiians

The committee version of "Improving America's Schools Act" includes a reauthorization of education programs serving Native Hawaiians. The Native Hawaiian Family-Based Education Centers and programs for Native Hawaiian Higher Education, Gifted and Talented, and Special Education have been continued without substantial modification. The Native Hawaiian Model Curriculum program has been expanded to include a teacher training and teacher recruitment component, and a Native Hawaiian Community-Based Education section has been developed to address the educational needs of remote native communities. Finally, the committee recognizes the need to coordinate the provision of educational and related services and programs available to Native Hawaiians State-Wide, and the bill authorizes the establishment of a Native Hawaiian Education Council to better effectuate the purposes of this part.

This reauthorization and the accompanying modifications are consistent with the goal of raising the educational status of native Hawaiians to national parity. A recently released ten-year update of the Native Hawaiian Educational Assessment Project" has found that despite the successes of the programs established under the Native Hawaiian Education Act, many of the same educational needs still exit—for example, Native Hawaiian students continue to large behind other students in terms of readiness factors such as vocabulary test scores, and Native Hawaiian students continue to score below national norms on standardized education achievements test at all grade levels. In recognition of the continuing educational needs of Native Hawaiians, this committee supports the reauthorization of supplemental education programs for Native Hawaiians.

Fifteen million dollars is authorized in fiscal year 1995.

Title IX, Part D—Territorial Assistance

This Part of the bill reauthorizes the program of General Assistance to the Virgin Islands. The General Assistance to the Virgin Islands program was established in 1979 to compensate the Virgin Islands for the impact of Federal immigrant legislation (P.L. 91–225) and a 1970 U.S. District Court ruling (*Hosier* v. *Evans*, V.I.R. 27) that require the Virgin Islands to educate non-citizen children of school age residing in the Virgin Islands. The ruling contributed to increased enrollment in Virgin Islands schools resulting in a severe burden to the existing classroom space. Historically, most of the funds for this program have been used to expand, repair, or remodel classroom and other educational facilities in the Virgin Islands public schools. Five million dollars is authorized in fiscal year 1995.

TITLE X—GENERAL PROVISIONS

The bill provides for a new title X of ESEA which contains general definitions, fiscal requirements, SEA, and LEA application consolidation, waivers, other uniform provisions, and an evaluation provision.

Parts B and C are designed to enhance flexibility in State and local program administration, as well as encourage comprehensive and cross-program State and local planning. State and local agencies would be permitted to consolidate administrative funds under specified ESEA programs in order to reduce recordkeeping burden and to submit consolidated State and local applications for specified State administered programs. The committee agrees with the Administration's proposal to allow consolidation of plans and applications. This should reduce the paperwork burden on teachers and administrators. The committee agrees with the Administration's proposal to encourage greater coordination of programs. These provisions illustrate the committee's intent that States and school districts should think comprehensively about how Federal education programs work with each other and with the general education program to address the needs of students.

The committee recognizes the need for greater local flexibility in the administration of Federal education programs and supports the use of waivers for the purpose of improving services and student performance. Administrative ease is not, in and of itself, a sufficient justification for a waiver of Federal requirements. In addition in order for Federal waivers to be granted, States must be willing to provide waivers of similar State requirements.

Parts E and F of title X provide for uniform provision for certain key requirements, and includes an authorization for State programs to recognize exemplary performance. With respect to section 10604 Prohibition of Federal Control within Part F, it is the intent of the committee that nothing in this legislation supersedes Section 103 of the Department of Education Organization Act. Nothing in this act would authorize the Federal Government to impose mandates on states, local educational agencies, and schools. Such mandates include but are not limited to class size limitations, a Federal teacher certification system, teacher instructional practices, equalized per pupil spending and curriculum content.

Part G provides for evaluation. It is the committee's intent that the Secretary reserve up to one-half of 1 percent of funds from each program authorized by this act to carry out rigorous evaluations of each of those programs and demonstration projects. When applicable, the committee expects the Department to use funds which are set aside in specific programs and does not intend for the Department to reserve an extra 0.5 percent on top of funds which are already set aside for evaluation purposes.

The committee has found that current evaluations and studies conducted by the Department of Education have been inconsistent across programs. Thus, the committee intends for future evaluations to be consolidated and coordinated through the Office of Policy and Planning when possible in order to provide more useful information concerning the short- and long-term effects of program participation on students and to assess the effectiveness of various programs in helping to meet the national education goals. Whenever feasible, the committee intends for the Department to conduct these evaluations using rigorous methodological designs, including control groups, random assignment, and longitudinal studies in a manner which is least burdensome to grantees.

TITLE XI—CULTURAL PARTNERSHIPS FOR AT-RISK CHILDREN AND YOUTH

This title establishes a National Committee on Cultural Partnerships for at At-Risk Children and Youth, which will be responsible for providing coordinated educational and cultural programs for in-school or out-of-school at-risk children and youth. The committee will be comprised of 8 members, of whom 2 will be appointed by the Secretary of Education, 2 by the Chairperson of the National Endowment for the Humanities, 12 by the Chairperson of the National Endowment of the Arts, and 2 by the Director of the Institute of Museum Services.

The committee will carry out it mandate by awarding sub-grants to partnerships formed by local educational agencies (or individual schools that are eligible to participate in schoolwide program under title I) and at least one institution of higher education, museum, local arts agency, or cultural entity that has a history of providing quality services to the community.

This Cultural Partnerships Committee structure is designed to bring the full expertise of each of the agencies to bear in serving the needs of at-risk youth.

The committee envisions that a wide range of projects will be eligible for funding under this act, so long as they are targeted specifically to the needs of at-risk young people. For this reason, the consortium established between the Department of Education, the Humanities Endowment, the Arts Endowment and the Institute of Museum Services is an ideal construct for bringing the Nation's rich cultural resources into the educational experience of young people.

The committee notes further that although NEH, HEA, and IMS have considerable experience in supporting programs for school-age audiences, the scope of this new program far surpasses their content funding capabilities. It is the intent, therefore, that support for this program supplement existing programs at these agencies, and will be supported with funds designated by the Department of Education.

References to cultural services, activities and programs in the Community Arts Partnership provisions of this legislation pertain to teaching and/or demonstrations that support the educational process. Professional presentations of concerts, dance programs, plays, operas, lectures, chautauquas, humanities programming, musical theater productions, etc, that involve the student in the learning experience are included.

TITLE XII—DISCLOSURE REQUIREMENTS

This new title is designed to improve the quality of information provided to students and their parents about government study programs and other education programs offered to minors for a fee. The bill requires the disclosure of certain specific information by educational organizations that, for a fee, provide honors programs, seminars, government study programs, or other educational experiences, if those programs are directed at minors, are offered away from a student's regular place of school attendance, and include at least one night away from home. (Title XII does not apply to such programs offered by SEA's or LEA's, elementary or secondary schools, institutions of higher education, or organizations sponsored by recreational, entertainment, sports, or social organizations.)

Title XII requires an educational organization to disclose in writing, before enrolling a student and accepting payment, information about the organization's recruitment and selection practices, costs and fees, contractors, and its relationships to those contractors. In addition, title XII also requires affected organizations to include in all their enrollment and recruitment materials a verifiable statement that they do not discriminate in the employment and enrollment policies with respect to race, disability, or residence in a low-income area. These disclosure requirements are intended to ensure that students and their parents have all the facts necessary to make an informed decision before paying to participate in an educational program.

The Secretary of Education will widely disseminate information about the disclosure requirements of this title to State and local officials and parents, require educational organizations to submit appropriate information or assurances regarding their compliance, and take whatever other steps are necessary to enforce this title.

TITLE XIII—TARGETED ASSISTANCE PROGRAM

Background

The committee bill reauthorizes, as title XIII, the program for State and local educational improvement currently authorized under chapter 2 of title I of the ESEA. State and local educational agencies use chapter 2 funds for a variety of programs and activities that improve elementary and secondary education for students in public and private schools. These programs are carried out with a minimum of paperwork, freeing State and local school officials to concentrate on the education of children.

Provisions of S. 1513

The committee bill would authorize the appropriation of $325 million for this program for fiscal year 1995 and "such sums" for fiscal years 1996 through 1999. The committee believes that this program can continue to provide much-needed support, in a flexible fashion, to States and local communities as they pursue educational reform and innovation. The committee rewrote a list of eligible uses under this program and targeted the focus of the activities on activities that will improve student achievement including: acquisition and use of instructional, educational, and technology materials used to improve student achievement; programs to improve higher order thinking skills of economically disadvantaged students; programs to prevent students from dropping out of school; programs to combat illiteracy; programs for gifted and talented students; school facility, repair, renovation, and construction; school reform activities consistent with the Goals 2000 Act; and school improvement activities under Part A of title I. Title XIII support will be particularly valuable to States and communities as they strive to meet the National Education Goals and carry out their improvement plans under the Goals 2000 Act, and the committee bill expressly authorizes as one of the authorized uses the use of program funds for Goals 2000-type activities by communities that do not receive funding under that Act.

TITLE XIV—NATIONAL EDUCATION STATISTICS

The bill reauthorizes the National Center for Education Statistics, including the National Assessment of Educational Progress, which it administers, in a free-standing statute, the "National Education Statistics Act of 1994."

Changes permit the Commissioner of Education Statistics more flexibility in determining the timing and design of data collection programs, with requirements stated in terms of the types of data and information to be reported to the Nation. Membership of the Advisory Council on Education Statistics is expanded to include practitioners and researchers to help ensure the relevance of Center data to educational improvement efforts and to enhance the ability of the Commissioner to establish cooperative statistics systems is expanded to include data on postsecondary education, and a specific study related to administrative spending at the school and school district level is required.

The purpose of the National Assessment of Educational Progress is to provide information about student achievement in reading, writing, mathematics, science, English, history, geography, civics and government, arts, and foreign languages. Changes permit the Commissioner greater flexibility to determine the assessment schedule, but data on one or more subjects must be collected and reported at least once every 2 years. State assessments are authorized on a continuing basis, but are not required and must be evaluated when they are conducted. As in the past, participation in all assessments is strictly voluntary, and States must continue to pay the costs of administering assessments within the State when they choose to participate. In the future, however, the non-Federal share of the cost of State assessments may also include other reasonable costs specified by the Secretary. Another change permits the Secretary, upon the request of a State or local educational agency, to make National Assessment test instruments available for assessing aggregate student achievement at the school or school district level, providing the agency assures that it will comply with the security requirements and testing protocols prescribed by the Commissioner. The committee intends that the Commissioner only release such test instruments to schools or local educational agencies of sufficient size to render meaningful results. The bill reauthorizes the National Assessment Governing Board with the duties it currently performs.

Attempts to maximize the impact of increasingly limited resources are often frustrated by lack of information about current spending practices. While there is often a public perception that too many resources are expended on overhead and not enough on activities directly involving student learning, there is little data on exactly how funds are spent because most school accounting is done at the district, rather than the school, level. Furthermore, the collection of data at the district level is not directed to distinguishing categories of expenses to focus on administration as opposed to student-centered activities.

Section 14010(b) addresses this concern by requiring the Center to work through the cooperative education statistics to study, design and pilot a model data system that will yield information about administrative expenses at the school and district levels. Upon completion of the study, the Secretary of Education will report to Congress on the potential for the reduction of administrative expenses at the school and local educational agency level, the possible usefulness of a data system for that purpose, and any other methods that might be employed voluntarily by schools, States and districts to reduce administrative overhead, so that funds can be directed to functions that directly affect student learning. One hundred dollars is authorized for this title in fiscal year 1995.

TITLE XV—EDUCATION INFRASTRUCTURE

The committee believes that improving the quality of public elementary and secondary school libraries, media centers and facilities will help our nation meet the National Education Goals established in Goals 2000. The challenges facing our Nation's public elementary and secondary schools require the concerted and collaborative efforts of all levels of government and all sectors of the community. To date, however, Federal, State, and local funding for the repair, renovation, alteration and construction of public elementary and secondary school libraries, media centers and facilities has not adequately reflected the overwhelming need that exists throughout the nation. The dilapidated condition of the majority of the nation's public school children. In order to overcome these barriers, the committee has created title XV, which is to be cited as the Education Infrastructure Act of 1994.

To be eligible for funding, an LEA must demonstrate urgent repair, renovation, alteration and construction needs for facilities, public elementary and secondary school libraries, and media centers used for academic or vocational instruction. An LEA must also demonstrate it serves large numbers or percentages of disadvantaged students. The committee recognizes that the Nation's poorest children overwhelmingly attend the Nation's most dilapidated schools, and that the improvement of their educational environment can greatly contribute to increased focus, learning, willingness to attend school, and overall self-esteem.

To carry out the purposes of this section, the committee authorizes for appropriations $400 million for fiscal year 1995 to provide grants to eligible LEA's for infrastructure needs. Eligible LEA's may submit applications to the Secretary, and each application shall contain an assurance that it was developed in consultation with parents and classroom teachers, and include (1) a description of each architectural, civil, structural, mechanical, electrical, or telephone line, deficiency to be corrected with funds under this title, including the priority for the repair of the deficiency; (2) a description of the criteria used by the applicant to determine the type of corrective action necessary to meet the purposes of this title; (3) a description of the corrective action to be supported with funds provided under this title; (4) a cost estimate of the proposed corrective action; (5) an identification of the total amount and percentage of such agency's budget used in the preceding fiscal year for the maintenance, repair, renovation, alteration, or construction supported with funds provided under this title; (7) a description of how activities supported with funds provided under this title will promote energy conservation; (8) a description of the extent to which the repair, renovation, alteration, or construction will help the Secretary meet the goals of this title; and (9) such other information as the Secretary may reasonably require.

The Secretary is authorized to award grants under this title on the basis of the extent to which the grant is needed to address conditions that compromise learning, health or safety and the extent to which the eligible LEA lacks the fiscal capacity, including the ability to raise funds, to undertake the project without Federal assistance. The Secretary may only award grants under this title if the Secretary determines that sufficient funds will be provided either under this title or from other sources to carry out the activities for which assistance is sought.

An LEA receiving funds under this title may use the funds for a variety of activities. Authorized activities include (1) the inspection of a facility, library, or media center; (2) repairing such library, facility, or media center that poses a health or safety risk to students, (3) upgrading of and alteration of a facility, library or media center; (4) meeting the requirements of section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990; (5) removal or containment of severely hazardous material such as asbestos, lead, and radon using a cost-effective method; (6) meeting Federal, State, or local codes related to fire, air, light, noise, waste disposal, building height, or other codes passed since the initial construction of the facility, library or media center; and (7) replacing an old facility, library or media center that is most cost-effectively torn down rather than renovated.

The Secretary is authorized to make grants under this title for any fiscal year to an eligible LEA only if the aggregate expenditures for the fiscal year for which the determination is made is at least 90 percent of what such expenditure was for the preceding fiscal year. An eligible LEA shall use funds received under this title only to supplement, not supplant, the amount of funds that would, in the absence of Federal funds, be made available from non-Federal sources for the repair and construction of school facilities used for educational purposes. No part of any grant funds under this title shall be used for the acquisition of any interest in property, nor shall anything in this title be construed to authorize the payment of maintenance of costs in connection with any projects constructed in whole or in part with Federal funds provided under this title. Moreover, all projects carried out with funds provided under this title shall comply with all relevant Federal, State, and local environmental laws and regulations.

All laborers and mechanics employed by contractors or subcontractors in the performance of a contract or subcontract under this title shall be paid wages not less than those determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended at 40 U.S.C. 276a–276a–5. The committee also intends that the Secretary establish goals for the participation of small business concerns as contractors or subcontractors that meet or exceed the governmental goals established pursuant to section

15(g)(1) of the Small Business Act (15 U.S.C. 644(g)(1) for the participation of such concerns in contracts supported with funds under this title. The Secretary is encouraged to establish an evaluation process for such participation that gives significant weight to these goals.

TITLE XVI—URBAN AND RURAL EDUCATION

The Secretary is authorized to award formula grants to hard-pressed city and rural school systems to conduct programs to help them to achieve education goals and higher standards. School districts receiving these funds would work closely with their communities, and have broad flexibility to design a plan to help improve their education system. Continued funding will be provided only to those schools that demonstrate progress in improving education performance. The Secretary is authorized to make inventive awards to schools that make exceptional progress. And, the President is authorized to call two separate White House Conferences on Rural and Urban education. Fifty million dollars is authorized to be appropriated, half of which is to be made available for urban schools and half for rural schools.

TITLE II—AMENDMENTS TO THE GENERAL EDUCATION PROVISIONS ACT

Title II of the bill updates the provisions of the General Education provisions Act (GEPA), eliminates obsolete or unneeded provisions and includes some new provisions. Of particular note is the section 211 redefinition of "applicable program" to include all programs administered by the Secretary of Education. Accordingly, general provisions, such as the continent extension of authorization of appropriations, joint funding, and rulemaking, will now uniformly apply to all programs in the Department of Education (ED).

Section 241 contains new authority permitting the Secretary to enter into joint funding arrangements with other Federal agencies to fund and carry out interagency projects, consistent with the acts from which funds are taken.

The bill contains a number of other GEPA provisions designed to enhance flexibility, reduce burden, or ensure more timely awards. Section 246 of the bill amends section 431 of GEPA to provide for greater flexibility in the procedures relating to the development of regulations by ED in the interest of more timely awards of financial assistance and a wider opportunity for priority setting by ED. The Secretary would continue to be required to promulgate regulations in accordance with chapter 5 of title 5 of the United States Code, except that the exemption in section 553(a)(2) of chapter 5 for public property, loans, grants, and benefits would apply only to regulations that govern a grant competition for the first year of a new program or where the Secretary determines that the requirement will cause extreme hardship to the intended beneficiaries of the program.

Section 250 amends GEPA to provide for application procedures to assist the Department in implementing its mission to ensure equal access to education and to promote educational excellence throughout the Nation by ensuring equal opportunities to participate for all eligible students, teachers, and other program beneficiaries in any project or activity carried out under an applicable program.

TITLE III—AMENDMENTS TO OTHER ACTS

Title III, Part A—Amendments to the Individuals With Disabilities Education Act

Title III-A amends Parts B and H of IDEA to ensure that States, State agencies, and State-operated and supported schools and programs which received chapter 1 Handicapped funds in 1994 are not adversely affected by the merger of the program with IDEA. Sections 311(b) and 313(a) guarantee States no less in 1995, 1996, and 1997 than they received in total in 1994 under IDEA and the Chapter 1 Handicapped program; for 1998 and 1999, if the child count decreases, the amount a State receives is reduced by the percentage the number declined from the 1994 count. Section 311(a) increases the cap on the percentage of 3–17 or 5–17 year olds in the general population who can be counted for funding under Grants to States in order to include children counted in 1994 under the chapter 1 Handicapped program, if the combined percentage of children counted in 1994 exceeds 12 percent. In distributing Grants to States funds, section 311(d) requires States to provide State agencies the same share per child they received in 1994 under the chapter 1 Handicapped program for each 6–21 year old served, up to the number of 321 year olds counted in 1994; it requires States to provide this share per child to local educational agencies for children who had transferred from State-operated or supported schools or programs. Section 312 requires States to treat State agencies as local educational agencies for the purposes of distributing Grants to States and Preschool Grants funds. Section 313(a) authorizes distribution to States of $34 million of the funds appropriated in 1995 for Grants for Infants and Families based on the actual number of children served, with distribution of the remaining funds based on population.

Title III, Part B—Amendments to McKinney Homeless Assistance Act, Education for Homeless Children and Youth

Background

The Stewart B. McKinney Homeless Association Act requires that each State educational agency (SEA) ensure each child of a homeless individual and each homeless youth access to a free and appropriate education. Under the act, SEA's are to gather data on the number and location of homeless children and youth in their State and develop a State plan for meeting the Federal Government guidelines. In addition, SEAs are to collaborate with the local educational agencies (LEA's) in designing and implementing local programs that are consistent with their State plans.

The complexity of access, placement, transportation and instructional issues involved in educating the homeless population underscores the significant challenges confronting SEA's and LEA's. Because homeless children and youth, by definition, lack permanent shelter, and typically have limited access to adequate clothing, nutrition, and health services, their capacity to benefit from schooling is often impaired. It is clear, therefore, that providing an appropriate education to homeless children and youth is a significant SEA and LEA responsibility, one that must involve collaboration with other community organizations that are actively providing services to homeless families and individuals.

Provisions of S. 1513

The bill reauthorizes educational programs for homeless children under the McKinney Act. The legislation requires States to provide services to homeless children, including preschool-aged children and homeless youth, that enable them to enroll in, attend, and succeed in school; establish or designate an Office of Coordinator of Education of Homeless Children and Youth; and develop and implement professional development programs for school personnel.

The bill raises the State minimum allocation to $100,000, up from $50,000 in current law, and requires the Office of the Coordinator to estimate the number of homeless children and youth in the State and the number served under this program, eliminating the current requirement to gather data in this population, using statistical methods, once every 2 years. Each State plan must describe the dispute resolution procedures in place regarding educational placement of homeless children and youth, and describe procedures that ensure that homeless children will have equal access to preschool programs provided to other children. Each State plan must also address problems with respect to the education of homeless children and youth, including problems caused by transportation issues and enrollment delays. The bill also stipulates that homeless children and youth should receive services comparable to those offered to other students, including transportation and educational service, such as title I. Each local education agency receiving assistance under this subtitle shall designate a homeless liaison to ensure that homeless children and youth enroll in the schools of that agency, and that they and their families receive educational services for which they are eligible. Among other activities, section 723 authorizes the use of funds to defray the cost of transporting homeless children and youth and to pay the fees incurred to obtain documentation, such as birth certificates and immunization records, required for school enrollment.

TITLE IV—MISCELLANEOUS

Section 401 requires that in documents transmitted to Congress explaining the President's budget request for the Special Education account, the Department of Education display amounts included in the request to offset the termination of the chapter 1 State operated program for the handicapped by Title III of the Improving America's Schools Act of 1994.

III. TABULATION OF VOTES CAST IN COMMITTEE

S. 1513 was introduced on October 4, 1993 by Senator Kennedy for himself, Senators Pell, Kassebaum, and Jeffords. It was referred to the Subcommittee on Education, Arts and Humanities, which held a series of hearings. Hearings were held in Washington, DC, on March 2 (a full committee hearing chaired by Senator Kennedy), March 16, March 18, March 24, April 12, April 14, April 21, April 26 and May 5, 1994. Hearings on March 16 and 18 were held jointly by the Labor and Human Resources Committee and the Subcommittee on Education, Arts and Humanities and chaired by Senator Kennedy. Hearings on April 12 and April 26 were chaired by Senator Simon. The hearing on April 21 was chaired by Senator Dodd. All other hearings were chaired by Senator Pell, as Chairman of the Subcommittee on Education, Arts and Humanities. The Subcommittee also held regional hearings on June 4, 1993 in Montpelier, VT, October 4, 1993 in Providence, Rhode Island and on April 18, 1994 in Chicago, IL. The October 4 hearing was held jointly with the House Subcommittee on Elementary, Secondary and Vocational Education.

On May 17, the subcommittee met to consider S. 1513 and reported it favorably, with one amendment by Senator Dodd, to the Committee on Labor and Human Resources.

On June 15, the Committee met to consider S. 1513, and reported it, with amendments, by a vote of 16 yeas to 1 nay. The vote to report S. 1513 to the Senate was recorded as follows:

YEAS	NAY
Kennedy	Coats
Pell	
Metzenbaum	
Dodd	
Simon	
Harkin	
Mikulski	
Bingaman	
Wellstone	
Wofford	
Kassebaum	
Jeffords	
Gregg	
Thurmond	
Hatch	
Durenberger	

FORMAT OF THE LEGISLATION

S. 1513 as introduced was a direct transmission from the Administration. The Committee reported S. 1513 incorporates some of the provisions based on the following bills:

S. 70, National Writing Project Reauthorization Act of 1993: Cochran

S. 232, Elementary Mathematics and Science Equipment Act: Hatfield

S. 266, Elementary and Secondary School Library Media Act: Simon

S. 429, Public School Redefinition Act of 1993: Durenberger

S. 881, Bill to Amend the Elementary and Secondary Education Act to Reauthorize and Make Certain Technical Corrections in Civic Education: Dodd

S. 996, A Bill to Require that Educational Organizations that Offer Educational Programs to Minors for a Fee Disclose Certain Information: Metzenbaum

S. 1020, Workers Technology Skills Development Act: Wofford, Kennedy

S. 1040, Technology for Education Act: Bingaman, Kennedy

S. 1142, Elementary School Counseling Demonstration Act: Harkin

S. 1267, Amendment of the Dwight D. Eisenhower Mathematics and Science Education Act: Hatfield

S. 1446, Safe and Drug Free Schools and Communities Act: Wofford

S. 1463, Fairness in Education for Boys and Girls Act of 1993: Mikulski, Kennedy, Harkin, Simon, Moseley-Braun, Sarbanes, Inouye, Boxer, Murray

S. 1464, Women's Educational Equity Restoration Act of 1993: Simon, Kennedy, Harkin, Mikulski, Moseley-Braun, Sarbanes, Inouye, Boxer, Murray

S. 1465, Gender Equity in Education Amendments of 1993: Harkin, Kennedy, Mikulski, Simon, Moseley-Braun, Sarbanes, Inouye, Boxer, Murray

S. 1471, Urban Schools of America Act: Wellstone, Simon

S. 1472, Rural Schools of America Act: Simon, Wellstone, Jeffords

S. 1990, Twenty First Century Community Learning Centers Act: Jeffords

S. 2034, Education Infrastructure Act: Moseley-Braun

IV. COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 23, 1994.

Hon. EDWARD M. KENNEDY,
Chairman, Committee on Labor and Human Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1513, the Improving America's Schools Act of 1994, as ordered reported by the Senate Committee on labor and Human Resources on June 15, 1994.

The bill would affect direct spending and receipts and thus would be subject to pay-as-you-go procedures under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

ROBERT D. REISCHAUER,
Director.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: S. 1513.
2. Bill title: Improving America's Schools Act of 1994.
3. Bill status: As ordered reported by the Senate Committee on Labor and Human Resources on June 15, 1994.

4. Bill purpose: To extend for five years the authorization of appropriations for the programs under the Elementary and Secondary Education Act of 1965, and for certain other purposes.

5. Estimated cost to the Federal Government:

SUMMARY OF FEDERAL GOVERNMENT COSTS

[By fiscal year, in millions of dollars]

	1995	1996	1997	1998	1999
Authorization of appropriations:					
Estimated authorization of appropriations	12,587	12,926	13,278	13,620	13,985
Estimated outlays	2,135	10,184	12,692	13,255	13,606
Direct Spending:					
Estimated budget	(1)	(1)	(1)	(1)	(1)
Estimated outlays	(1)	(1)	(1)	(1)	(1)
Receipts	(2)	(2)	(2)	(2)	(2)

[1] Less than $500,000.

[2] CBO is unable to estimate the amounts.

The table below presents detail on the authorization of appropriations in each title of S. 1513. CBO estimates that Titles II and IV have no cost.

DETAILS OF AUTHORIZATIONS OF APPROPRIATIONS—FEDERAL GOVERNMENT COSTS

[By fiscal year, in millions of dollars]

	1995	1996	1997	1998	1999
TITLE I. AMENDMENTS TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965					
Helping children in need meet high standards:					
Local educational agency grants and transition to success grants:					
Estimated authorization of appropriations	7,500	7,703	7,913	8,123	8,340
Estimated outlays	900	6,024	7,537	7,892	8,102
Even start:					
Estimated authorization of appropriations	120	123	127	130	133
Estimated outlays	14	96	121	126	130
Education of migratory children:					
Estimated authorization of appropriations	310	318	327	336	345
Estimated outlays	37	249	312	236	335
Education for neglected or delinquent youth:					
Estimated authorization of appropriations	40	41	42	43	45
Estimated outlays	5	32	40	42	43
Capital expenses:					
Estimated authorization of appropriations	45	46	48	49	50
Estimated outlays	5	36	45	47	49
Federal activities, evaluations:					
Estimated authorization of appropriations	10	10	11	11	11
Estimated outlays	4	9	10	11	11
Federal activities, demonstrations of innovative practices:					
Estimated authorization of appropriations	20	21	21	22	22
Estimated outlays	2	16	20	21	22
Subtotal, helping children in need meet high standards:					
Estimated authorization of appropriations	8,045	8,262	8,488	8,713	8,946
Estimated outlays	969	6,463	8,085	8,465	8,691
Improving teaching and learning:					
Dwight D. Eisenhower professional development program:					
Estimated authorization of appropriations	800	822	844	866	890
Estimated outlays	96	643	804	842	864
National writing project:					
Estimated authorization of appropriations	4	4	4	4	4
Estimated outlays	1	3	4	4	4
Comprehensive regional centers:					
Estimated authorization of appropriations	70	72	74	76	78

BEST COPY AVAILABLE

DETAILS OF AUTHORIZATIONS OF APPROPRIATIONS—FEDERAL GOVERNMENT COSTS—Continued

[By fiscal year, in millions of dollars]

	1995	1996	1997	1998	1999
Estimated outlays	8	56	70	74	78
National diffusion network:					
Estimated authorization of appropriations	25	26	26	27	28
Estimated outlays	3	20	25	26	27
Eisenhower regional mathematics and science education consortium:					
Estimated authorization of appropriations	23	24	24	25	26
Estimated outlays	3	19	23	24	25
Territorial teacher training program:					
Estimated authorization of appropriations	2	2	2	2	2
Estimated outlays	(1)	2	2	2	2
Telecommunications demonstration project for mathematics:					
Estimated authorization of appropriations	5	5	5	5	6
Estimated outlays	1	4	5	5	5
Subtotal: improving teaching and learning:					
Estimated authorization of appropriations	929	954	980	1,006	1,033
Estimated outlays	112	746	934	977	1,004
Technology for education:					
Federal leadership in technology for education:					
Estimated authorization of appropriations	5	5	5	5	6
Estimated outlays	1	4	5	5	5
Regional technical support and professional development:					
Estimated authorization of appropriations	50	51	53	54	56
Estimated outlays	6	40	50	53	54
Educational technology product development:					
Estimated authorization of appropriations	50	51	53	54	56
Estimated outlays	6	40	50	53	54
Research on educational applications of advanced technologies:					
Estimated authorization of appropriations	20	21	21	22	22
Estimated outlays	2	16	20	21	22
High performance educational computing and telecommunications networks:					
Estimated authorization of appropriations	8	8	8	8	8
Estimated outlays	1	6	8	8	8
School technology resource grants:					
Estimated authorization of appropriations	200	205	211	217	222
Estimated outlays	24	161	201	210	216
Star school program:					
Estimated authorization of appropriations	35	36	37	38	39
Estimated outlays	4	28	35	37	38
Ready-to-learn television:					
Estimated authorization of appropriations	30	31	32	33	33
Estimated outlays	4	24	30	32	32
Elementary mathematics and science equipment program:					
Estimated authorization of appropriations	30	31	32	33	33
Estimated outlays	4	24	30	32	32
Buddy system computer education:					
Estimated authorization of appropriations	5	5	5	5	6
Estimated outlays	1	4	5	5	5
Subtotal: technology for education:					
Estimated authorization of appropriations	433	444	456	468	481
Estimated outlays	52	347	435	455	467
Magnet schools assistance:					
Estimated authorization of appropriations	120	123	127	130	133
Estimated outlays	14	96	121	126	130
Better schools for America:					
Safe and drug-free schools and communities:					
Estimated authorization of appropriations	660	678	696	715	734
Estimated outlays	79	530	663	695	713
Assistance to address school dropout problems:					
Estimated authorization of appropriations	50	51	53	54	56
Estimated outlays	6	40	50	53	54

DETAILS OF AUTHORIZATIONS OF APPROPRIATIONS—FEDERAL GOVERNMENT COSTS—Continued

[By fiscal year, in millions of dollars]

	1995	1996	1997	1998	1999
Subtotal, better schools for America					
Estimated authorization of appropriations	710	729	749	769	790
Estimated outlays	85	570	714	747	767
Language enhancement and acquisition programs					
Bilingual education programs					
Estimated authorization of appropriations	215	221	227	233	239
Estimated outlays	26	173	216	226	232
Foreign language assistance program					
Estimated authorization of appropriations	35	36	37	38	39
Estimated outlays	4	28	35	37	38
Subtotal, language enhancement and acquisition programs					
Estimated authorization of appropriations	250	257	264	271	278
Estimated outlays	30	201	251	263	270
Programs of national significance					
Arts in education					
Estimated authorization of appropriations	11	11	12	12	12
Estimated outlays	1	9	11	12	12
Inexpensive book distribution program					
Estimated authorization of appropriations	11	11	12	12	12
Estimated outlays	1	9	11	12	12
Public charter schools					
Estimated authorization of appropriations	15	15	16	16	17
Estimated outlays	2	12	15	16	16
Civic education program					
Estimated authorization of appropriations	20	21	21	22	22
Estimated outlays	2	16	20	21	22
Allen J. Ellender fellowship program					
Estimated authorization of appropriations	5	5	5	5	5
Estimated outlays	1	4	5	5	5
Gifted and talented children					
Estimated authorization of appropriations	20	21	21	22	22
Estimated outlays	2	16	20	21	22
Women's educational equity					
Estimated authorization of appropriations	2	2	2	2	2
Estimated outlays	(1)	2	2	2	2
Fund for the improvement of education					
Estimated authorization of appropriations	35	36	37	38	39
Estimated outlays	4	28	35	37	38
Blue ribbon schools					
Estimated authorization of appropriations	1	1	1	1	1
Estimated outlays	(1)	1	1	1	1
National student and parent mock election					
Authorization of appropriations	(1)	(1)	(1)	(1)	(1)
Estimated outlays	(1)	(1)	(1)	(1)	(1)
Elementary school counseling demonstration					
Estimated authorization of appropriations	10	10	11	11	11
Estimated outlays	1	8	10	11	11
21st century community learning centers					
Estimated authorization of appropriations	20	21	21	22	22
Estimated outlays	2	16	20	21	22
Model projects					
Estimated authorization of appropriations	5	5	5	5	6
Estimated outlays	1	4	5	5	5
Extending time for learning					
Estimated authorization of appropriations	20	21	21	22	22
Estimated outlays	2	16	20	21	22
Creating smaller learning communities					
Estimated authorization of appropriations	20	21	21	22	22
Estimated outlays	2	16	20	21	22
Subtotal, programs of national significance					
Estimated authorization of appropriations	195	200	205	211	216
Estimated outlays	23	156	196	205	210

DETAILS OF AUTHORIZATIONS OF APPROPRIATIONS—FEDERAL GOVERNMENT COSTS—Continued

[By fiscal year, in millions of dollars]

	1995	1996	1997	1998	1999
Special programs:					
Impact aid, Payments for federal acquisition of real property:					
Estimated authorization of appropriations	17	17	18	18	19
Estimated outlays	14	17	18	18	19
Impact aid, Basic payments and payments for heavily impacted LEAs:					
Estimated authorization of appropriations	775	796	818	839	862
Estimated outlays	636	777	813	835	857
Impact aid, Payments for children with disabilities:					
Estimated authorization of appropriations	45	46	48	49	50
Estimated outlays	37	45	47	49	50
Impact aid, Payments for sudden and substantial increases and decreases in attendance of military dependents:					
Estimated authorization of appropriations	2	2	2	2	2
Estimated outlays	2	2	2	2	2
Impact aid, Construction:					
Estimated authorization of appropriations	25	26	26	27	28
Estimated outlays	3	9	22	26	27
Impact Aid, Facilities maintenance:					
Estimated authorization of appropriations	2	2	2	2	2
Estimated outlays	2	2	2	2	2
Emergency Immigrant Education Program:					
Estimated authorization of appropriations	75	77	79	81	83
Estimated outlays	9	60	75	79	81
Native Hawaiian Curriculum Development, Teacher Training, and Recruitment Program:					
Estimated authorization of appropriations	2	2	2	2	2
Estimated outlays	([1])	2	2	2	2
Native Hawaiian community-based education learning centers:					
Estimated authorization of appropriations	1	1	1	1	1
Estimated outlays	([1])	1	1	1	1
Native Hawaiian family-based education centers:					
Estimated authorization of appropriations	6	6	6	7	7
Estimated outlays	1	5	6	6	7
Native Hawaiian higher education demonstration program:					
Estimated authorization of appropriations	2	2	2	2	2
Estimated outlays	([1])	2	2	2	2
Native Hawaiian gifted and talented program:					
Estimated authorization of appropriations	2	2	2	2	2
Estimated outlays	([1])	1	2	2	2
Native Hawaiian special education program:					
Estimated authorization of appropriations	2	2	2	2	2
Estimated outlays	([1])	2	2	2	2
Native Hawaiian education council and island councils:					
Estimated authorization of appropriations	1	1	1	1	1
Estimated outlays	([1])	([1])	1	1	1
Territorial assistance:					
Authorization of appropriations	5	5	5	5	5
Estimated outlays	1	4	5	5	5
Subtotal, special programs:					
Estimated authorization of appropriations	961	987	1.013	1.040	1.068
Estimated outlays	703	928	1.000	1.031	1.059
Cultural partnerships for at-risk children and youth:					
Estimated authorization of appropriations	20	21	21	22	22
Estimated outlays	2	16	20	21	22
Targeted assistance program:					
Estimated authorization of appropriations	325	334	343	352	361
Estimated outlays	39	261	327	342	351
National education statistics:					
Estimated authorization of appropriations	100	103	106	108	111
Estimated outlays	43	94	104	107	109
Education infrastructure:					
Estimated authorization of appropriations	400	411	422	433	445

DETAILS OF AUTHORIZATIONS OF APPROPRIATIONS—FEDERAL GOVERNMENT COSTS—Continued

[By fiscal year, in millions of dollars]

	1995	1996	1997	1998	1999
Estimated outlays	44	221	407	418	429
Urban and rural education					
Estimated authorization of appropriations	50	51	53	54	56
Estimated outlays	6	40	50	53	54
Subtotal, amendments to the elementary and secondary education act of 1965					
Estimated authorization of appropriations	12,537	12,875	13,226	13,577	13,940
Estimated outlays	2,123	10,142	12,642	13,211	13,563
TITLE III AMENDMENTS TO OTHER ACTS					
State literacy initiatives					
Estimated authorization of appropriations	10	10	10	11	11
Estimated outlays	1	8	10	10	11
Education for homeless children and youth					
Estimated authorization of appropriations	30	31	32	33	33
Estimated outlays	4	24	30	32	32
Subtotal, amendments to other acts					
Estimated authorization of appropriations	40	41	42	43	44
Estimated outlays	5	32	40	42	43
TITLE IV WORKERS TECHNOLOGY SKILL DEVELOPMENT					
Estimated authorization of appropriations	10	10	10		
Estimated outlays	8	10	10	2	
Total authorization of appropriations					
Estimated authorization of appropriations	12,587	12,926	13,278	13,620	13,985
Estimated outlays	2,135	10,184	12,692	13,255	13,606

Note: Details may not add to totals because of rounding.

The costs of this bill fall within budget function 500.

Basis of estimate

S. 1513, the Improving America's Schools Act, extends the authorizations of appropriations of many existing programs and authorizes new programs that would provide federal assistance for elementary and secondary education. Except where noted, the bill authorizes appropriations of specific amounts for fiscal year 1995 and such sums as may be necessary for fiscal years 1996 to 1999. CBO estimates authorization levels in these later years by adjusting the 1995 level for projected inflation. Outlays are estimated by considering historical spending patterns of these and similar programs. Estimated outlays assume full appropriation of the authorized amounts. Most of the programs authorized by the bill would be appropriated on a forward-funded basis; the 1995 appropriation is to be used for the 1995–1996 school year. Thus, estimated outlays are low in the first year relative to the amount authorized. Exceptions to this estimating methodology and provisions for which the authorization of appropriations is different than described above are discussed below.

TITLE I, AMENDMENTS TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

Territorial Teacher Training Program

The Territorial Teacher Training program is authorized at $2 million for fiscal years 1995 through 1999.

Territorial assistance

Assistance to the Territories is authorized at $5 million for fiscal years 1995 through 1999.

National student and parent mock election

The National Student and Parent Mock Election is authorized at $125,000 for fiscal years 1995 through 1999.

Cultural partnerships for at-risk children and youth

The Cultural Partnerships for At-risk Children and Youth are authorized at $20 million in fiscal year 1995 and such sums as may be necessary for fiscal years 1996 to 1999, provided that appropriations for the National Endowment for the Humanities, the National Endowment for the Arts, and the Institute for Museum Services are at least equal to the fiscal year 1994 appropriation for each program in each fiscal year. We assume that the amount appropriated for the arts programs in future fiscal years will be at least equal to the amount appropriated in 1994.

TITLE II, AMENDMENTS TO THE GENERAL EDUCATION PROVISIONS ACT

Section 414 of the General Education Provisions Act (GEPA) allows for the extension of the authorization of all programs in the Department of Education (including Higher Education, Student Financial Assistance, and others) for one additional year if Congress does not take action to reauthorize or terminate a given program by the time its authorization expires. S. 1513 changes the length of the extension from one year to two years. CBO does not estimate any additional authorization of appropriations from the additional year of extension because we assume the Congress will take timely action so that a contingent extension of authorization would not be invoked.

TITLE III, AMENDMENTS TO OTHER ACTS

State Literacy Initiatives under the Stewart B. McKinney Homeless Assistance Act are authorized at such sums as may be necessary for fiscal years 1995 to 1999. Because the bill does not substantially change the activities that are currently authorized, CBO estimates the authorization level to be the 1994 appropriation for these activities, adjusted for projected annual inflation.

TITLE V, WORKERS TECHNOLOGY SKILL DEVELOPMENT

The Workers Technology Skills Development Act authorizes grants to non-profit organizations to enable workers and worker organizations to evaluate and implement advanced workplace practices and technologies. Title V authorizes such sums as may be necessary for fiscal years 1995 through 1997 for the Department of Labor to make these grants.

CBO estimates the cost to be $10 million annually for fiscal years 1995 through 1997. The estimate is based on information about the Occupational Safety and Health Administration's New Directions Competency Building program, the Department of Labor's Office of the American Workplace programs, programs within the Department of Commerce that provide information and technical assistance to small manufacturers about advanced workplace technologies, and on committee intent. This estimate assumes that the program will be operated as a pilot or demonstration as opposed to a permanent ongoing program.

Direct spending and receipts

Disclosure requirements

Title XII of Title I of S. 1513 establishes disclosure requirements for certain organizations that provide an educational program to minors for a fee. Such organizations would be required to disclose to the minor's parent, in written form, information such as the method of solicitation and selection of participants and the details of the budget of the program as they correspond to the costs and fees of the educational program. Such disclosure would be required before the organization accepted funds for the minor's participation in the program. Any educational organization that knowingly violated the requirements could be subject to a civil fine up to $1,000 for each violation.

This bill does not specify where in the budget any penalties would be deposited, or for what purposes they could be used. CBO assumes that any receipts resulting from the provision would be deposited in the General Fund in the Treasury, and that such funds could be expended only as approved in appropriation acts. Because CBO cannot predict the number of violations or the size of the penalties, we are not able to provide an estimate of the provision.

Fees and gifts

S. 1513 allows the National Center of Education Statistics to collect fees for statistical compilations and surveys to cover the cost of work and services. In the past, the Department has used the offsetting receipts to recoup costs of materials and services projects for outside requestors. It has spent the funds on related activities in the Center for Education Statistics.

S. 1513 also establishes gift authority for two entities authorized by the Goals 2000: Educate America Act. The bill would allow the National Education Goals Panel and the National Education Standards and Improvement Council to accept, administer, and utilize gifts or donations, and thus would provide the organizations with direct spending authority. Before Congress established the Goals Panel as an entity separate from the Department of Education, the panel accepted and used small gifts under the Department of Education's general gift authority. Because no particular gifts are anticipated, CBO is unable to estimate what level of gifts or donations the panel or the council would receive under this authority.

Any fees or gifts collected under these provisions are considered receipts to the federal government, and any outlays resulting from the collections are considered direct spending. In both cases, CBO is unable to estimate the amount of such receipts and the resulting outlays, though we estimate the amount to be insignificant. Because the spending is limited by the amount received, these provisions would not increase the deficit over a number of years. It is possible, however, that receipts in one year would lead to expenditures in subsequent years, thereby slightly increasing or decreasing the deficit in any one year.

6. Pay-as-you-go considerations: The pay-as-you-go effects of the bill are as follows.

[By fiscal years, in millions of dollars]

	1995	1996	1997	1998
Outlays	0	0	0	0
Receipts	(1)	(1)	(1)	(1)

[1] CBO is unable to estimate the amounts

7. Estimated cost to State and local governments: S. 1513 authorizes $11 billion for 1995 in formula grants to state and local governments. Under these programs, the Secretary of Education would allocate funds based on the state's proportion of the national population of specific groups defined in the bill, such as children in poverty for Title I Basic Grants to Local Educational Agencies. Another $1.6 billion is authorized for competitive grants for which states and local governments could be eligible, but other entities such as non-profit organizations or institutions of higher education often also would be eligible.

Many of the grants for which states and local governments would be eligible under the bill would be entirely federally funded. Some, however, would require non-federal funds that could be provided by state and local agencies and usually could be in cash or in kind. In some cases the Secretary could waive the matching requirement if the entity could not meet it. The following programs would include matching requirements.

Even Start.—The federal share of Even Start programs would be 90 percent in the first year of the grant award and would fall gradually each year to 50 percent in the fifth and following years.

National Teacher Training Project.—This grant to a nonprofit educational organization for supporting the establishment of teacher training programs in core academic subjects would require a 50 percent match from non-federal sources.

Dwight D. Eisenhower Professional Development Program.—Each LEA would bear at least 33 percent of the cost of any professional development activities carried out by a LEA, except for the costs of services provided to private school teachers. The 33 percent share of the program cost would be allowed to come from other specified federal sources and from release time for teachers participating in professional development.

National Writing Project.—This grant to a nonprofit educational organization for improving the quality of student writing and learning and the teaching of writing as a learning process would require a 50 percent match from non-federal sources.

Eisenhower Regional Mathematics and Science Education Consortiums.—The federal share for the consortia would be limited to 80 percent. At least 10 percent of the non-federal share would have to come from sources other than the federal, state, or local government.

National Programs in Technology for Education.—The Secretary of Education would be permitted to require any recipient of a grant or contract for an activity of federal leadership in technology for education to share in the cost of activities. The maximum non-federal share would be 50 percent.

Educational Technology Product Development.—The Secretary of Education would be permitted to require any recipient of a grant or contract for Educational Technology Product Development to share in the cost of activities. A consortia would have to include a state or local educational agency to be eligible for an award.

Star Schools Program.—The federal share of the cost of projects carried out through grants to telecommunications partnerships would not be allowed to exceed 75 percent. The Secretary of Education would also be authorized to make grants for special state and local networks, with federal funds limited to 50 percent of project costs.

Buddy System Computer Education.—Any state selected to participate in the Buddy System Computer Education program would be required to provide assurances that it had made every effort to match federal funds on a dollar for dollar basis with private or other public funds. However, no application would be denied or penalized for failing to provide matching funds.

Magnet Schools.—The federal share of Magnet School programs would be up to 100 percent in the first and second years of the grant award, and would not exceed 90 percent in the third year and 70 percent in subsequent years.

Assistance to Address School Drop Out Problems.—The federal share of projects carried out by LEAs would not be permitted to exceed 90 percent in the first year of the grant award and 75 percent in later years. Not more than 10 percent of the non-federal share would be provided by other federal sources.

Foreign Language Assistance.—The federal share of projects assisted by these competitive grants to Local and State Educational agencies would be 50 percent.

Inexpensive Book Distribution.—The federal share of the cost would not be allowed to exceed 75 percent of the cost of the program, except in the case of programs serving migrant or seasonal farm workers, where the federal share would rise to 100 percent.

Cultural Partnerships For At-risk Children and Youth.—The federal share of the cost would be limited to 80 percent of the cost of the program.

Natioal Assessment of Educational Progress.—The cost to a state that elected to participate in the National Assessment of Educational Progress would be the cost of conducting the assessment at the school level, the cost of coordination within the state, and other reasonable costs as specified by the Secretary of Education.

8. Estimate comparison: None.

9. Previous CBO estimate: None.

10. Estimate prepared by: Dorothy Rosenbaum and Cory Oltman.

11. Estimate approved by: C.G. Nuckols, Assistant Director for Budget Analysis.

V. Regulatory Impact Statement

The Committee has determined that there will be minimal increases in the regulatory burden imposed by this bill.

VI. Section-by-Section Analysis

TITLE I, HELPING CHILDREN IN NEED MEET HIGH STANDARDS

Part A—Making High-Poverty Schools Work

Subpart 1—Basic program requirements

Section 1001 gives the policy, recognition of need, analysis of recent educational research and statement of purpose of the title: to provide equal access to high-quality education for children served, with an authorization expanded by at least $750 million each year.

Section 1002 authorizes the level of appropriations for each part: $7.5 billion for title I students, $120 million for Eleven Start, $310 million for migrant education, $40 million for neglected and delinquent youth, $45 million for capital expenses, $30 million for Federal activities, including $10 million for evaluations and $20 million for demonstrations of innovative practices.

> Section 1111, paragraph (a)(1) would require a State desiring to receive part A funds to submit a State plan to the Secretary. Under paragraph (b)(1) the plan would describe the high standards and assessments for all children the State will use to carry out this part for all children, as well as how the State will fulfill its additional responsibilities to enable children served by part A to meet these standards. These standards and assessments would be the same as those developed under the Goals 2000: Educate America Act, if any, to ensure that the performance expected of children in title I schools is the same as that expected for all children and that title I becomes a vehicle for systemic reform. A State's initial plan would only be required to include standards for mathematics and reading/language arts, if the State has not developed others.

For States that do not have content or performance standards for all students in subjects for which students are served under this part, the State would be required to include in the plan a strategy for developing them, in at least math and reading, for students served under part A, but the standards must be as challenging as they would be if they were being developed for all students. For States that don't have standards, the State plan must include a strategy for developing a process for ensuring that part A students are held to the same high level of performance as all children in subjects for which services are provided under part A.

Paragraph (b)(2) would require that the State define what constitutes adequate yearly progress of schools and districts toward meeting the State's "proficient" and "advanced" performance standards. The term "adequate yearly progress" would apply to individual schools and districts rather than to individual students. Students would be assessed to determine whether a school is making progress toward enabling all children served under this part to meet the State's performance standards.

Paragraph (b)(3) would replace all the current testing requirements in chapter 1. In their place would be a State-level set of high-quality, yearly student assessments. These assessments would be aligned with the State's content and performance standards, comprised of multiple, up-to-date measures of student performance, and used as the primary means of determining whether LEA's and schools are, in fact, making adequate yearly progress.

Paragraph (4) would allow a State plan to include a description of other indicators, such as rates of attendance and graduation, that could be used in addition to the assessments to determine the yearly performance of a district or school.

Although the State assessments would be given yearly in each school, they would not need to be given in every grade or every subject. Within the grades that are tested, however, all children, rather than a sample, would be assessed and scores would be provided for individual students. Assessment results also would be disaggregated for those categories of children that are educationally meaningful, such as limited English proficiency, but only when results for those categories would be reliable. These assessments would be the only assessments required under part A and would provide information both for accountability and to improve teaching and learning. There would no longer be specific Federal reporting requirements.

States that have developed standards and assessments under a Goals 2000 plan would be required to use those standards and assessments for part A of title I, modified where necessary. A State could use a transitional assessment system while it is developing standards and assessments. This provision recognizes that developing high-quality standards and assessments will take time. The State's transitional assessments, however, must still assess performance of complex skills and challenging subject matter. The transitional period could, at most, last for four years. If a State still does not have standards and assessments that meet the requirements of this subsection at the end of the transitional period granted, it would have to adopt a set of standards and aligned assessments that are satisfactory to the Secretary, such as those contained in other State plans the Secretary has approved.

Subsection (c) would include the State's other responsibilities under part A, including assurances that the State will establish a system of school support teams to improve the quality of schoolwide programs, fulfill the State's central role in the new accountability scheme for districts and schools and promote schoolwide programs and schoolwide reform.

Subsection (d) would establish a peer review process at the Federal level to assist in the review and revision of State plans. The process, which would be ongoing, would serve to provide input to States to improve their plans.

Subsection (e) would allow a State plan to remain in effect for the duration of the State's participation in part A. The State, however, would be required to review and revise its plan periodically, as necessary, to reflect programmatic or strategic changes. Significant changes in the State plan would have to be submitted to the Secretary, and it would be expected that the changes would not result in a State's no longer meeting the requirements of the title.

Section 1112 would require each LEA that desires to receive part A funds to submit a local plan to the State for approval. Subsection (a) would allow the LEA to submit the plan as part of a consolidated application. It would promote coherent policies and plans at the district level, as well as the alignment of title I with the State and district's systemic reform efforts, if any, under Goals 2000.

Subsection (b) would allow LEA's to supplement State standards and assessments with additional ones and any other indicators of accountability determined by the LEA, if they wish to do so, while maintaining the State's challenging standards and assessments as the driving force for the system.

The plan must also include a description of professional development activities, a description of the poverty criteria to be used to select school attendance areas, a description of how the LEA will identify eligible children most in need of services, a general description of the nature of the programs to be conducted under schoolwide and targeted assistance programs, a description, where appropriate, of how the LEA will support preschool programs, and a description of how the LEA will, where appropriate and feasible, use funds to reduce class size to 15 students. The section also requires assurances for assisting schools participating in title I, for serving private school students, for integrating with other educational services, and, where appropriate and feasible, for ensuring that elementary school children receive two health screenings.

Subsection (c) requires that the LEA provides certain assurances. The LEA must consult with schools while they develop their plans, provide schools with the technical assistance and support they need to implement their plans effectively, and establish an effective improvement process for schools that are failing. The LEA must work to address the multiple needs of students in high-poverty schools better by coordinating title I services with other educational services, and, as appropriate, with health and social services, to the extent feasible.

LEA's would be required, where appropriate and feasible, to establish a procedure for ensuring that all students in schools receive two health screenings during the elementary school years. The LEA plan would also require timely and meaningful consultation between the LEA and private school officials.

Subsection (d) would establish requirements for the plan's development and duration. As under the current law, the plan must be developed with teachers and parents. It would not, however, have to be resubmitted to the State on a 3-year cycle, as the current law requires. To promote a different kind of planning, this subsection would require the plan be reviewed periodically and revised as necessary.

A State would only approve a plan that it determines will enable schools served under this part to help all children served to meet the State's challenging performance standards expected of all children.

Section 1113 defines an eligible school attendance area and describes the selection and ranking of such attendance areas by local educational agencies. It requires that schools be served in rank order based on the concentration of children from low-income families, and that funds be allocated based on the number of eligible children in those areas. LEA's must serve all schools with concentrations of 75 percent or greater in rank order, then may serve schools with between 50 percent and 75 percent poverty in rank order either by all schools or by grade span, and finally, if all schools above 50 percent poverty are served, may serve schools below 50 percent poverty in rank order by all schools or by grade span. Some exceptions are granted to LEA's with less than 1,000 total children or certain schools participating in desegregation programs. It also requires that the per pupil amount of funds allocated to each school shall be at least 65 percent of the total per pupil funds an LEA received for that year either for all eligible students in schools with more than 75 percent poverty, or for all eligible students in the grade levels to be served for schools below 75 percent poverty. LEA's that only serve schools with concentrations of poverty of 50 percent or greater are exempt from this requirement.

Section 1114 would expand the schoolwide program approach and make it easier for schools to operate schoolwide programs by allowing schools to integrate their programs, strategies, and resources and strengthen the entire instructional program in these schools rather than add on to the existing program.

Subsection (a) would describe which schools could become schoolwide programs and how such schools could use their title I funds. Schoolwide programs would not have to target title I funds on the lowest-achieving children, but could spend their funds to upgrade the entire educational program in the school. Schools must have at least 30 percent poverty and assure that the underlying purposes of any Federal program that has been consolidated into the schoolwide plan will be met and that eligible children under title I, part A will benefit from the program. This percentage would be lowered to 30 percent. Schoolwide schools may consolidate funds from other Federal educational programs, but they must continue to meet the underlying purposes of those Federal programs.

This subsection would allow a school that becomes a schoolwide program to continue to use funds on a schoolwide basis even if it drops below the initial eligibility threshold. The law would allow a schoolwide program to use other Federal funds, as well as State and local funds, to support the schoolwide program. It would also require a 10 percent set aside for professional development for schools that receive more than $50,000.

Subsection (b) would contain the core of the schoolwide program requirements: (1) a comprehensive needs assessment in relation to the State standards; (2) school reform strategies that provide opportunities for all children, especially the economically disadvantaged, to meet the State's "proficient" and "advanced" performance standards and address the needs of all children in the school; (3) instruction by highly qualified professional staff; (4) ongoing professional development; (5) strong parental involvement; (6) development and use of teacher selected assessments; and (7) measures to ensure that students experiencing difficulty mastering any of the standards are provided effective and timely assistance.

Subsection (b)(2) provides that schools develop a comprehensive plan and determining how they will use their funds, with the LEA playing a supportive role. To ensure stronger planning and meaningful change, however, all schools other than those that are currently schoolwide programs would be required to take one year to develop their plans. Schools that are currently schoolwide programs could continue operating them but would have to develop a new plan during the first year.

Section 1115, subsection (a) would state the general rule for operating targeted assistance schools: they must use funds for programs that provide services to eligible children identified as economically disadvantaged and having the greatest need for academic assistance.

Subsection (b) would define eligible children. It requires that children be identified on the basis of economic disadvantage, rather than educational disadvantage, but allows limited English proficient and migrant children and children with disabilities to be served on the same basis as other children. Neglected and delinquent, homeless children and children who participated in Even Start and Head Start programs in the preceding two years are eligible for services regardless of economic need.

Subsection (c) lists components to enable children served under part A to meet the State standards. These components would include the following: effective instructional strategies that give consideration to extended learning time and involve an accelerated curriculum; program planning that is incorporated into existing school planning; coordination with the regular program; instruction by highly qualified professional staff; minimizing isolated eligible children from other children during school hours; professional development for teachers who work with participating children in programs funded by part A or in the regular classroom; and strong parental involvement. It requires that planning for targeted assistance programs be coordinated with other school planning, if any.

Subsection (d) would allow targeted assistance schools to use part A funds as a last resort to provide health, nutrition, and other social services. It would require a 10 percent set aside for professional development for schools that receive over $50,000 under part A. It also requires the program to promote the integration of title I staff with other school staff.

Subsection (e) would revise the current section of the law on assignment of personnel to expand the involvement of personnel paid by title I in the overall planning and functioning of the school and the school life of participating children. In addition to assuming limited duties beyond classroom instruction, such personnel could participate in general professional development and school planning activities, as well as collaboratively teach with regular classroom teachers as part of an integrated staff if participating children directly benefit.

Subsection (f) clarifies that targeted assistance schools may serve students under part A together with students with similar educational needs in the same educational settings rather than segregating such children for their services.

Section 1116 describes the requirements for the local educational agency and participating schools to encourage parent involvement in policy development, school-parent compacts, and training and requires that a parent involvement policy, if none exists, be developed jointly with parents. It requires that schools provide parents with timely and understandable information about school curriculum and assessment measures and develop a compact with parents about shared responsibility for student progress.

Section 1117 contains information on the eligibility of private school children for participation in title I and the shared responsibility of the local educational agency and the private school officials to design the appropriate delivery of services. It requires timely and meaningful consultation. It requires that private school officials provide verifiable documentation to determine the proportionate allocation amount for the participation of private school children. It provides for the allocation to States for capital expenses incurred to provide equitable services to private school children.

Section 1118 describes local educational agencies' responsibility to review the annual progress of title I schools, identify and assist schools needing improvement, and initiate corrective action against schools failing to improve, as sell as State educational agencies' responsibility to identify and assist local educational agencies needing improvement, and corrective actions for those failing to improve. It requires that annual progress be determined by the progress of children served under title I programs and other indicators, as determined by the State or LEA.

Section 1119 described the sustained support each State educational agency will provide to schools, including school support teams for schoolwide schools and for those schools needing improvement. It also defines and identifies sources of funding for distinguished educators and schools. It allows States to implement alternative methods of State support.

Section 1120 explains the fiscal requirements for local educational agencies, including maintenance of effort and the requirement that Federal funds are meant to supplement, not supplant non-Federal funds. It also explains that schools receiving assistance must already have services comparable to the schools within the LEA that are not receiving title I funds.

Subpart 2—Allocations

Section 1121 provides assistance for grants to outlying areas and to the Secretary of the Interior for serving the educational needs of Indian children.

Section 1122 provides for the allocation of funds to the States. Authorizes the Secretary to make adjustments in financing where necessitated by appropriations. Provides for State holdharmless and defines "State" for the purposes of this section.

Section 1123 describes the formula through which States are to receive title I, part A funds. A State's amount is determined by adding together each county's count of children in poverty, weighted either by percentage or number of children in poverty, and then multiplied by a cost of education factor linked to State per pupil expenditure, an equity factor linked to school finance within the State, and an effort factor linked to a State's contribution to education. LEA-level data instead of county-level data from the Bureau of Census are to be utilized if they are found to be of satisfactory quality by the Secretary of Education. A 100 percent State-level holdharmless is provided for the first year of enactment, 90 percent for the second year, and 85 percent each year thereafter. It also sets a State minimum at no less than one-quarter of one percent, as long as a State does not receive more than 125 percent of what the State would received without such a provision.

Section 1124 describes the within-State formula through which LEA's receive funds. LEA's with fewer than 10 poor children or less than 5 percent poverty rate are ineligible for funds. A reserve, however, of up to 2 percent of State funds is provided to serve high-poverty schools in ineligible LEA's. There is also an 85 percent holdharmless applied to LEA's in the first year, regardless of eligibility. The holdharmless is extended to a second year in the case of eligible LEA's. The absorption factor equal to one percent of each eligible LEA's student enrollment is not considered for the purpose of allocation. An LEA's grant is determined by a weighted pupil count similar to that in section 1123, weighted by either the number or percentage of children in poverty in that LEA, on the basis of weighted number of children in poverty. It also permits the State educational agency to select from a variety of data sources to accurately locate poverty within the State, as long as the same source is consistently applied throughout the State.

Part B—Transition to Success

Section 1201 describes the funding, consultation, eligibility, planning, evaluation and reporting, and other special requirements of the Transition to Success program.

Section 1202 provides for the coordination of activities and regulations of the program with parents and with Head Start and other early childhood development programs.

Section 1203 defines terms used under part B.

Part C—Even Start Family Literacy Programs

Section 1301 describes the purpose of the program, which is to help break the cycle of poverty and illiteracy by improving educational opportunities of the Nation's low-income families by integrating early childhood education, adult literacy, and parenting education into a unified family literacy program.

Section 1302 describes how funds are to be reserved for migrant programs, outlaying areas and Indian tribes, Federal activities, and special grants and program allocations to States.

Section 1303 authorizes State level activities, including requirements for subgrants to local programs, which must be at least $75,000.

Section 1304 describes requirements for grantees' use of program funds and sets out the Federal share of program costs, which decreases over time.

Section 1305 describes elements and activities authorized under the program, which include identification and recruitment of low-income or otherwise needy families, instructional programs for adults and their children, and staff training.

Section 1306 identifies eligible program participants, which include adults who are eligible for programs under the Adult Education Act or teen parents, and their children from birth through age seven.

Section 1307 describes program planning and application requirements.

Section 1308 authorizes procedures for State approval of subgrant applications and States that the duration of subgrants may not exceed four years.

Section 1309 authorizes an independent evaluation of the Even Start program to determine the performance and effectiveness of programs assisted under this part, and to identify effective programs that can be duplicated and used in providing technical assistance to Federal, State and local programs.

Section 1310 states that nothing in this part shall be construed to prohibit a recipient of funds under this part from serving students participating in Even Start simultaneously with students with similar educational needs, and where appropriate, in the same educational settings.

Part D—Education of Migratory Children

Section 1401 describes the purposes of the program for the Education of Migratory Children, and states that such purpose is to assist States in providing high-quality and comprehensive educational programs for migratory children.

Section 1402 authorizes the program for migrant students and provides program definitions. The term "migratory child" is defined as a child whose parent or guardian is a migratory agricultural worker and who has moved at any time during the preceeding 48 months.

Section 1403 identifies the basis for State allocations, including provisions for consortium arrangements and determination of the number of eligible children. The section states that each State is authorized to receive an allocation, for each fiscal year, in an amount equal to the sum of the estimated number of migratory children aged three through 21 who reside in the State full time and the full-time equivalent of the estimated number of migratory children aged three through 21 who reside in the State part time; multiplied by 40 percent of the average per-pupil expenditure in the State, except that the amount determined under this paragraph shall not be less than 32 percent, or more than 48 percent, of the average per-pupil expenditure in the United States. The section also details the allocation requirements for Puerto Rico.

Section 1404 describes State application requirements, including descriptions of how the State will satisfy the purposes of this part, and establishes that each recipient of funds shall give priority to migratory children who are failing, or most at risk of failing, to meet the States challenging State content and challenging State student performance standards, and whose education has been interrupted during the regular school year. Section 1404 also provides for the continuation of services for children who cease to be migrant, stating that children who cease to be migrant during a school term shall be eligible for services until the end of such term, and that children who are no longer migrant may continue to receive services for one additional school year if comparable services are not available through other programs.

Section 1405 requires Secretarial approval for applications and authorizes the use of peer review for assistance and advice in the process of reviewing applications.

Section 1406 describes requirements for a State's comprehensive needs assessment and service-delivery plan and specifies authorized activities. The section also states that each comprehensive State plan shall remain in effect for the duration of the State's participation under this part and be periodically reviewed and revised by the State, as necessary, to reflect changes in the State's strategies and programs under this part.

Section 1407 identifies bypass provisions for funding activities.

Section 1408 describes activities for improvement of coordination of programs used by States to transfer migratory students' educational and health records. It states that the Secretary may extend until January 1, 1996 the contract for the operation of the migrant student record transfer system and that the Secretary shall submit a report to Congress regarding the effectiveness of methods used by States to transfer migratory students' educational and health records. Such report shall be submitted by the Secretary no later than October 1, 1995.

Part E—Education for Neglected and Delinquent Youth

Section 1501 describes that the purposes of the Education of Neglected and Delinquent Youth program are to improve educational services to children in institutions for neglected or delinquent children, and to provide such children with services they need to make a successful transition from institutionalization to further schooling or employment. This section also authorizes the Secretary to make grants to SEA's to award subgrants to State agencies.

Section 1502 describes conditions for State agency eligibility for assistance under this part, specifying that an agency will be eligible if it is responsible for providing free public education for children in institutions for neglected or delinquent children, attending community day programs for neglected or delinquent children, or in adult correctional institutions.

Section 1503 describes the allocation of program funds through subgrants to State agencies, including State agencies in Puerto Rico.

Section 1504 identifies conditions for State reallocation of funds, and provides that if a State educational agency determines that a State agency does not need the full amount of the subgrant for which it is eligible, it may reallocate the amount that will not be needed to other State agencies that need additional funds to carry out the purposes of this part, in such amounts as the State educational agency shall determine.

Section 1505 describes the requirements for the State agency application and the conditions for Secretarial approval. Each state plan shall describe the program goals, objectives and performance measures established by the State that will be used to assess the effectiveness of the program in improving academic and vocational skills of children in the program; provide that such children will have the same opportunities to learn as they would have if they were in the schools of local educational agencies in the State, and contain assurances that programs assisted under this part will be carried out in accordance with the State plan described in this section, as well as carry out the evaluation required of section 1509 of this part.

Section 1506 identifies permitted uses of funds, stipulating that funds should supplement, not supplant funds from other sources.

Section 1507 establishes institution-wide projects as a permitted used of funds, and provides that State agencies providing free public education to children in an institution for neglected and delinquent children or attending community-day programs for such children may use funds to serve all children in, and upgrade the entire educational effort of that institution or program if the State agency has developed, and the State educational agency has approved, a comprehensive plan for that institution or program. The section specifies the requirements that a comprehensive plan must meet to comply with the requirements of this section.

Section 1508 provides that a State educational agency may approve a State agency's application for a subgrant if the State agency operates a program or project under this part in which individual children are likely to participate for more than one year, and the State agency's application may be approved for up to 3 years.

Section 1509 describes required State agency evaluations, including the use of the evaluation results, stipulating that each State agency conducting a program or project under this part shall evaluate the program or project at least once every 3 years, disaggregating data on participants by sex, and if feasible, race, ethnicity or age.

Section 1510 provides that each State agency may reserve not more than 10 percent of the amount it receives under this part for any fiscal year to support projects that facilitate the transition of children from State-operated institutions for neglected and delinquent children into locally operated programs.

Section 1511 gives program definitions.

Part F—Federal Evaluations and Demonstrations

Section 1601 authorizes a national assessment of title I, a national longitudinal study, and a study on estimating State child poverty counts.

Section 1602 authorizes demonstration programs of innovative practices to improve achievement and their evaluation, and establishes partnerships with State, local, public and nonprofit agencies to disseminate and use research and knowledge about effective practices.

Part G—General Provisions

Section 1701 describes the process for Federal regulations for title I.

Section 1702 provides for limitations on State rulemaking and describes the percentages of funds States can reserve for State administration and program improvement. States may reserve 1 percent of the funds appropriated for title I part A programs, programs for migrant children, neglected and delinquent programs, and capital expenses in 1995 for State administration. In each year after 1995, the State may reserve (1) up to 1.25 percent of funds from each program if the sum of their appropriations is between $500 million and $1 billion more than 1995 appropriations or (2) 1.5 percent of funds from each program if the sum of their appropriations is more than $1 billion more than 1995 appropriations. The section provides for minimum set asides for small States and the outlying areas. For program improvement, States may reserve up to 0.75 percent from each program.

S. 1513 SECTION-BY-SECTION ANALYSIS

TITLE II THROUGH TITLE IV, MISCELLANEOUS

TITLE II, IMPROVING TEACHING AND LEARNING

Title II, Part A—Dwight D. Eisenhower Professional Development Program

Section 2101 contains findings for the Dwight D. Eisenhower Professional Development Program in part A of title II.

Section 2102 provides that the purpose of the Eisenhower program is to ensure teachers, other staff, and administrators have access to high-quality professional development activities.

Section 2103 authorizes $800 million for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding years for the purpose of carrying out part A. Provides for the allocation of appropriations among the three subparts, as follows: 5 percent for subpart 1 (Federal activities), of which 10 percent is for section 2114 (National Teacher Training Project); 93.75 percent for subpart 2 (State and local activities); and 1.25 percent for subpart 3 (Professional Development Demonstration Project).

Subpart 1—Federal activities

Section 2111 authorizes the Secretary to award grants to LEA's, SEA's, educational service agencies, State agencies for higher education, institutions of higher education and other for Federal activities and to evaluate activities carried out under subpart 1 and subpart 2 (/state and local activities). Requires the Secretary to coordinate programs within the Department and with other appropriate government agencies.

Section 2112 describes the types of Federal activities that support professional development programs for which funds may be used.

Section 2113 authorizes the Secretary to support a national clearinghouse for mathematics and science education and describes the activities for which the clearinghouse shall use funds. The grant or contract is for a 5-year period.

Section 2114 authorizes the secretary to award grants to nonprofit educational organizations to support national teacher training projects in the areas of early childhood developoment and mathematics, science, English, civics and government, foreign languages, the arts, geography, history and economics, and describes requirements of the grants and the process to be used to select participants for the training programs.

Subpart 2—State and local activities

Section 2121 authorizes the Secretary to make grants under subpart 2 to State educational agencies for the support of professional development activities at the State and local levels.

Section 2122 describes how funds are to be allocated among the States, territories, and the Bureau of Indian Affairs, as follows: ½ of 1 percent reserved for the outlying areas; ½ of 1 percent reserved for the Secretary of Interior; State allotments are made as follows: 50 percent based on relative population of individuals age 5 through 17; 50 percent based on funds received under part A of title I.

Section 2123 describes how funds are to be allocated within the States. Allocations are as follows: 75 percent for state level activities under section 2126 and local allowable activities under section 2129(b); not more than 5 percent of those funds may be used for administrative costs and not more than 5 percent may be used for state level activities. The amount that remains are distributed to local educational agencies as follows: 50 percent based on relative enrollments in public and private nonprofit schools and 50 percent based on the amount local educational agencies receive under part A of title I. The remaining 25 percent must be made available to the State agency for higher education to make competitive grants to institutions of higher education or private nonprofit organizations working in conjunction with local educational agencies. Not more than 5 percent of those funds may be used for administrative costs.

Section 2124 describes how appropriations are to be used to ensure a priority for professional development in mathematics and science: When appropriations are less than $250 million, all funds will be used for professional development in math and science. When appropriations exceed $250 million, 10 percent of the amount above $250 million in addition to the first $250 million will be used for professional development in math and science.

Section 2125 describes requirements for State applications and State plans and requirements related to Secretarial approval of applications.;

Section 2126 provides that States may use funds to carry out the activities described in State plans and lists the types of state level activities that may be included.

Section 2127 describes requirements for local educational agency applications and local plans for professional development. Provides that each local educational agency that desired a subgrant under this subpart shall submit an application to the State educational agency not less frequently than every 3 years.

Section 2128 establishes that each local educational agency shall provide at least 33 percent of the cost of the activities described in this subpart. Describes resources available for cost-sharing.

Section 2129 requires that local educational agencies receiving funds under this part use at least 80 percent of such funds for professional development programs that are determined by teachers and staff, that take place at the school site to the extent practicable and are consistent with the local educational agencies' application. Authorizes activities that may be supported through the use of funds received under this subpart.

Section 2130 provides for competitive awards, from funds received by the State higher education agency, to institutions of higher education or private nonprofit organizations working in conjunction with LEA's for professional development activities. Authorizes allowable activities.

Section 2131 requires any local educational agency receiving a grant under this part of less than $10,000 to form a consortium with another local educational agency to be eligible to participate in programs assisted under this part. Provides for the chief state school officer to waive the consortium requirements if a consortium arrangement would be more costly or less effective.

Subpart 3—Professional development demonstration project

Section 2141 contains findings and describes the purpose of subpart 3, the Professional Development Demonstration Project. The purpose is to address the need for professional development with a primary focus on teachers, to provide prospective and current teachers opportunities to learn both content and pedagogy, and to build models to demonstrate new organizational arrangements for professional development.

Section 2142 requires the Secretary to carry out a demonstration program to award grants to partnerships of LEA's and others to plan and implement professional development programs and describes the requirements of that program.

Section 2143 authorizes the Secretary to award grants for planning and grants for implementation of professional development programs under this subpart. Describes how funds are to be distributed and the requirements for local educational agencies awarded grants.

Section 2144 requires each eligible partnership desiring assistance under this subpart to develop a plan for the program to be assisted under this subpart. Describes content requirements for each plan.

Section 2145 authorizes the Secretary to enter into an arrangement with an intermediary organization to enable such organization to provide technical existence.

Section 2146 provides that priority be given to partnerships that are able to raise matching funds.

Subpart 4—General provisions

Section 2151 describes reporting and accountability requirements for part A at the State and local levels. A local educational agency must submit a report to the State every 3 years regarding progress made toward outcome performance indicators identified in the local educational agency's plan. States must submit similar reports to the Secretary every 3 years. Also requires Secretary to report to the President and Congress on the effectiveness of these programs.

Section 2152 contains definitions of the terms "core academic subjects"; "sustained and intensive high-quality professional development"; and "outcome performance indicators" for the purposes of part A.

Title II, Part B—National Writing Project

Section 2201 provides that part B may be cited as the "National Writing Project Act."

Section 2202 contains findings for this program.

Section 2203 authorizes the Secretary to make a grant to the National Writing Project and describes the requirements of the grant and the teacher training programs authorized. Describes the purpose of the program, which is to improve the quality of student writing and learning, and the teaching of writing. Requires the National Writing Project to enter into contracts with institutions of higher education or other nonprofit educational providers to establish and operate the teacher training programs. Specifies that the federal share of the costs of teacher training programs shall be 50 percent of the costs, but shall not exceed $40,000 to any one contractor or $200,000 for a statewide program. Authorizes the National Writing Project to reserve up to 5 percent of funds to make competitive grants (up to $2,000) to elementary and secondary teachers to conduct research and publish models of student writing. Requires the National Writing Project to establish and operate a National Advisory Board, and describes the composition of the board. Requires the Secretary to conduct an independent evaluation of the teacher training programs, and authorizes appropriations of $4 million in fiscal year 1995 and such sums in the 4 succeeding fiscal years.

Title II, Part C—Support and Assistance for ESEA Programs

Subpart 1—Comprehensive regional centers

Section 2301 contains the findings for the comprehensive regional centers under subpart 1 of part C of title II, Support and Assistance for ESEA Programs.

Section 2302 describes the purpose of this part which is to make available to States, local educational agencies, schools, and other recipients of funds under this act technical assistance through regional centers.

Section 2303 authorizes the Secretary to establish comprehensive regional centers and to provide a technology-based technical assistance service.

Section 2304 permits the Secretary to carry out this part directly or through grants or contracts with public or private agencies or organizations or consortia of such agencies and organizations.

Section 2305 describes requirements to be met by the comprehensive regional centers.

Section 2306 requires the Secretary to evaluate the activities assisted under this part and report to Congress and the President on their effectiveness by January 1, 1998.

Section 2307 requires the Secretary to use funds appropriated for at least fiscal years 1995 and 1996 to ensure an orderly transition from existing centers to the new, comprehensive regional centers.

Section 2308 authorizes $70 million to be appropriated for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding years for subpart 1.

Subpart 2—National diffusion network

Section 2311 authorizes support for the National Diffusion Network under subpart 2. Describes the role of the National Diffusion Network State Facilitator for each State. Provides that the National Diffusion Network State Facilitator shall coordinate activities with the comprehensive regional centers. Programs shall be administered by the Office of Reform Assistance and Dissemination. Requires the Secretary to develop a system of validating effective programs and promising practices for dissemination through the National Diffusion Network.

Section 2312 authorizes $25 million to be appropriated for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years for the National Diffusion Network.

Subpart 3—Eisenhower regional mathematics and science education consortiums

Section 2321 authorizes the Secretary to award funds to support regional consortia to provide information and technical assistance to improve mathematics and science education.

Section 2322 sets out the activities for which regional consortia may use funds.

Section 2323 describes application requirements and procedures to be used by the Secretary in reviewing applications.

Section 2324 requires each eligible entity receiving a grant or contract under this subpart to establish regional boards to oversee the activities of the consortia. Prohibits the use of Federal funds for the establishment or operation of a regional board.

Section 2325 sets out the Federal share of support for the consortia and requirements related to the non-Federal share. The Federal share is 80 percent. At least 10 percent of the non-Federal share must be from sources other than the Federal, State or local government.

Section 2326 requires the Secretary to evaluate the effectiveness of the activities of each regional consortium through the Office of Educational Research and Improvement. The Secretary shall submit a report on the effectiveness of the programs conducted to the Congress at the end of each grant or contract period, which are not to exceed 5 years.

Section 2327 contains definitions for the purposes of subpart 3. The terms defined are "eligible entity"; "mathematics" and "science"; "region"; "regional consortium" and "State agency for higher education."

Section 2328 authorizes $23 million be appropriated for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years to carry out the regional consortia.

Title II, Part D—Territorial Teacher Training Program

Section 2401 authorizes the appropriation of $2 million for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years to provide for support for territorial teacher training programs.

Title II, Part E—Telecommunications Demonstration Project for Mathematics

Section 2501 authorizes the Secretary to make grants to a nonprofit telecommunications entity, or partnership of such entities, to support a national telecommunications-based demonstration project to improve mathematics and science education.

Section 2502 sets out content requirements for applications submitted by each nonprofit telecommunications entity, or partnership of such entities, desiring a grant under this part, and requires the Secretary to approve only applications for those demonstration projects that will be conducted in at least 15 states.

Section 2503 authorizes $5 million be appropriated for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding years for the project.

TITLE III, TECHNOLOGY FOR EDUCATION

Title III, Part A—Educational Technology for All Students

Section 3001 provides that title III may be cited as the "Technology for Education Act of 1994."

Section 3111 contains findings for part A.

Section 3112 states the purposes of part A, which is to promote equal access for all students to educational opportunities through advances in technology; to provide funding for equipment, teacher training, and technological support to states and school districts; to support the development of educational programming in core subject areas, to offer opportunities for partnerships to develop educational technology products that promote the use of advanced technologies in the classroom; to avoid duplication by building on existing telecommunications infrastructures; and to ensure that uses of educational technology are consistent with the overall national technology policy established by the President.

Subpart 1—National programs in technology for education

Section 3113 contains definitions for part A.

Section 3121 states the purposes of Subpart 1: national programs in technology for education.

Section 3122 sets out the Federal leadership activities authorized, requirements for a long-range national plan, assistance provided, and the authorized uses of funds. The uses include the basis for awarding the grants and the non-Federal share. It authorizes $5 million in fiscal year 1995 to carry out this section.

Section 3123 authorizes the Secretary to make grants to regional educational technology assistance consortia, describes their two functions; technical assistance and professional development, and authorizes appropriations of $50 million for fiscal year 1995.

Section 3124 authorizes the Secretary to award grants to consortia for educational technology product development to consortia of SEA's, LEA's, business and nonprofit or higher education groups; describes the application requirements and authorizes $50 million in appropriations for fiscal year 1995.

Section 3125 authorizes support for research and development of educational applications of advanced technologies and authorizes appropriations of $20 million in fiscal year 1995 for that purpose.

Section 3126 authorizes support for development, demonstration, and evaluation of educational aspects of the national information infrastructure, sets out various program requirements for requirements grants, specifications grants, and prototype development grants, and authorizes appropriations of $7.5 million.

Section 3127 requires the Secretary to conduct a study of alternatives for providing funding to schools for technology.

Subpart 2—State and local programs for school technology resources, technical support, and professional development

Section 3131 states the purpose of the subpart 2: State and local programs for school technology resources, technical support, and professional development.

Section 3132 authorizes the Secretary to award grants to State educational agencies for providing technology resources to local educational agencies, sets out requirements related to applying for and using those funds. $200 million is authorized for fiscal year 1995 to carry out this subpart.

Subpart 3—Special rule applicable to appropriations

Section 3141 sets out in subpart 3 a special rule related to the use of funds appropriated for subparts 1 and 2. If appropriations are less than $50 million, the Secretary shall make available from the total 50% to federal activities and 50 percent to state and local programs. If appropriations are above $50 million, federal activities will be allocated $25 million plus 35 percent of the amount in excess of $50 million, and State and local programs will be allocated $25 million plus 65 percent of the amount in excess of $50 million.

Title III, Part B—Star Schools Program

Section 3201 provides that part B may be cited as the "Star Schools Act."

Section 3202 describes the purpose of the Star Schools program, which is to encourage improved instruction and to serve underserved populations through grants to telecommunications partnerships.

Section 3203 authorizes the Secretary to award grants to support telecommunications partnerships, sets out certain requirements related to the awards, provides for a non-Federal share, and authorizes appropriations of $35 million for fiscal year 1995.

Section 3204 describes the telecommunication partnerships eligible to receive awards, which may include a public agency or corporation established to develop and operate telecommunications services to enhance educational opportunities provided by educational institutions, or a partnership on an SEA or LEA with at least 2 other entities from a list.

Section 3205 sets out application requirements and provides for certain priorities in the award of funds.

Section 3206 provides for the reservation of not more than 5 percent of funds for leadership and evaluation activities. It also describes the uses of funds for such activities.

Section 3207 describes certain administrative provisions related to continuing support of grantees.

Section 3208 provides for awards to support special statewide and local networks and sets out program and matching requirements for those networks.

Section 3209 contains definitions for part B.

Title III, Part C—Ready-to-Learn Television

Section 3301 authorizes the Secretary to make awards under part C to support the development and distribution of ready-to-learn video programming.

Section 3302 describes the purpose of awards under this part and the entities eligible to receive funds.

Section 3303 sets out the various activities the Secretary is authorized to carry out under this part.

Section 3304 provides for applications as requested by the Secretary.

Section 3305 sets out evaluation and reporting responsibilities of each grantee and sets out requirements for a report to Congress from the Secretary.

Section 3306 provides for a limit on administrative costs.

Section 3307 contains definitions for part C.

Section 3308 authorizes appropriations of $30 million for fiscal year 1995 for the ready-to-learn program.

Title III, Part D—Elementary Mathematics and Science Equipment Program

Section 3401 provides that part D may be cited as the "Elementary Mathematics and Science Equipment Act."

Section 3402 states the purpose of part D, which is to raise the quality of instruction in math and science in elementary schools by providing equipment and materials necessary for hands-on instruction through assistance to States and local educational agencies.

Section 3403 authorizes the Secretary to make allotments by formula to State educational agencies for grants to local educational agencies for elementary school mathematics and science equipment.

Section 3404 provides for the allotment and reallotment of funds to States, territories, and programs for Indian students.

Section 3405 describes State application requirements and a set-aside for State administration.

Section 3406 describes local application requirements and provides for priority in the awarding of funds.

Section 3407 sets out certain requirements for the State's use of funds, including limitations on those funds, including disseminating information to districts and schools, evaluating local educational agencies' applications, awarding grants to LEA's, and evaluating LEA's end-of-year summaries. Grant funds may not be used for computers, software, textbooks, staff development, or capital improvements.

Section 3408 sets our requirements for Federal administration, including technical assistance, evaluation, and reporting requirements

Section 3409 authorizes $30 million in fiscal year 1995 for part D.

Title III, Part E—Elementary and Secondary School Library Media Resources Program

Section 3501 authorizes a program to support the acquisition of school library media resources for the use of students, library media specialists, and teachers in elementary and secondary schools.

Section 3502 requires the Secretary to use between 10 and 20 percent of the appropriation for title III, part A for the library media resources program. If the amount available is less than $50 million, the Secretary would make competitive grants to States; if $50 million or more is available, the Secretary would make allocations on the basis of States' title II shares.

Section 3503 requires that, in order to receive a grant under this part, a State have in effect a plan that: (1) provides that funds will be used only for acquisition of school library media resources and for administration; and (2) sets forth the State's criteria for sub-allocating its grant to local educational agencies within the State.

Section 3504 requires that States sub-allocate, to their local educational agencies, at least 97 percent of the funding they receive, using the allocation formula set forth under section 2122 (the title II formula, which is based on school-aged population and shares of title I, part A funds).

Title III, Part F—Buddy System Computer Education

Section 3601 provides that part F may be called the "Buddy System Computer Education Act.

Section 3602 describes the purpose of the program, which is to award demonstration grants to develop and expand public-private partnerships which extend the learning experience beyond the classroom environment via computers.

Section 3603 authorizes the Secretary to award grants to 3 States on a competitive basis to create a computer-based education project for children in grades 4 through 6.

Section 3604 requires each grantee to provide a continuous 3-year computer-based education project to 2 consecutive groups of middle school children, ensure that each child in the classes participates, conduct the projects in not more than 7 public elementary schools, and ensure that each participating student has access to a computer and at home.

Section 3605 describes the application requirements.

Section 3606 provides that grants funds shall be used to provide hardware and software and training for teachers, parents, administrators, and technical personnel.

Section 3607 requires the Secretary to evaluate and report to Congress on the effectiveness of the demonstration program.

Section 3608 authorizes appropriations of $5 million in fiscal year 1995.

TITLE IV, MAGNET SCHOOL ASSISTANCE

Section 4101 sets forth Congressional findings on magnet schools. It finds that the continued operation of a Federal program focused on desegregation and quality education, should include special efforts to ensure, among other things, that magnet schools serve students at all academic levels and that magnet school students are not isolated from other students in the school building.

Section 4102 describes the purpose of the Magnet Schools Assistance program, which is to assist in the desegregation of school districts by providing financial assistance to eligible LEA's for the elimination, reduction, or prevention of minority group isolation in elementary and secondary schools with substantial proportions of minority students.

Section 4103 authorizes the Secretary to make grants to local educational agencies for magnet schools that are part of an approved desegregation plan and are designed to bring together students from diverse backgrounds.

Section 4104 defines a "magnet school" as a public school or public education center that offers a special curriculum capable of attracting substantial numbers of students from different racial backgrounds.

Section 4105 makes eligible, for assistance under the program. any local educational agency that is operating under a desegregation plan issued by a court or approved by the Secretary.

Section 4106 requires that, in order to be considered for funding, an eligible local educational agency submit an application containing certain descriptions and assurances, including a description of how the agency will continue its magnet school program after Federal assistance is no longer available and an assurance that the agency will give students residing in the local attendance area equitable consideration for participation in the program.

Section 4107 gives funding priority to certain applicants, including those that have the greatest need for assistance and those that propose to create new magnet schools or significantly revise existing ones.

Section 4108 sets forth the allowable uses of funds under the program. These uses include planning and promotional activities, purchase of books and equipment, and compensation of teachers and other staff.

Section 4109 prohibits the use of funding for transportation or for any other activity that does not augment academic improvement.

Section 4110 sets forth limitations on the length of magnet school awards, the amount of a grant, and the proportion of a grant that may be used for planning. It also limits the Federal share of the costs of local projects in each year of the grant.

Section 4111 authorizes the Secretary to make grants, from title IV funds, to local educational agencies for "Innovative Programs" that do not involve magnet schools but are otherwise generally consistent with the purposes of title IV.

Section 4112 authorizes appropriations of $120 million for the Magnet Schools Assistance program, gives a priority, for applicants that did not receive a grant in the previous year when appropriations are over $75 million, and sets limitations on the use of program funds for evaluations and for "Innovative Programs."

TITLE V, BETTER SCHOOLS FOR AMERICA

Title V, Part A—Safe and Drug-Free Schools

Section 5101 sets forth Congressional findings on the dangers of alcohol and other drug use by students and on the incidence of violence and crime in our schools and communities.

Section 5102 describes the purposes of the Safe and Drug-Free Schools and Communities program, which is to support programs to meet the seventh National Education Goal by preventing violence in and around schools and by strengthening programs that prevent the illegal use of drugs through grants to States, local educational agencies, community-based organizations, institutions of higher education, and public and private nonprofit organizations.

Subpart 1—State grants for drug and violence prevention programs

Section 5103 authorizes the appropriation of $660 million for the Safe and Drug-Free Schools and Communities program, and provides that up to 10 percent may be used for National Programs under subpart 2.

Section 5111 establishes set-asides, from the amount appropriated for State grants, to be reserved for the Outlying Areas, Programs for Indian Youth, Programs for Native Hawaiians, and a national impact evaluation. It also establishes the allocation formula for State grants.

Section 5112 prescribes the requirements for State applications for funding under the State grant program.

Section 5113 provides that 80 percent of each State's formula allocation be provided to the State educational agency (SEA), of which at least 90 percent must be suballocated to local educational agencies (LEAs); requires that 30 percent of LEA funds be suballocated to high-need areas; and authorizes activities that may be carried out by SEA's with funds reserved under this section.

Section 5114 provides that 20 percent of each State's formula allocation be provided to the Governor, and authorizes activities that may be carried out the Governor with these funds.

Section 5115 prescribes the requirements for LEA applications for funding under the State grant program.

Section 5116 establishes program requirements and authorizes a broad range of drug and violence prevention activities that may be carried out by LEAs with their State grant funds.

Section 5117 requires the Secretary to conduct an independent biennial evaluation of the impact of the State grant program, and requires States to submit a triennial report to the Secretary on the implementation and outcomes of its programs and on the State's progress toward attaining its goals for drug and violence prevention.

Section 5118 requires the Secretary to make awards to organizations primarily serving and representing Hawaiian Natives that are recognized by the Governor of the State of Hawaii, for programs for the benefit of Hawaiian Natives.

Subpart 2—National programs

Section 5121 authorizes a broad range of drug and violence prevention that may be carried out by the Secretary in consultation with the Secretary of Health and Human Services, the Director of the Office of National Drug Control Policy, and the Attorney General.

Section 5122 authorizes grants to institutions of higher education for drug and violence prevention programs for students enrolled in such institutions.

Section 5131 defines various terms with specific meanings for purposes of the legislation.

Section 5132 requires that drug prevention programs supported with Safe and Drug-Free Schools and Communities funds convey a clear and consistent message that the illegal use of alcohol and other drugs is wrong and harmful; and prohibits the Secretary from prescribing the use of specific curricula for programs supported with such funds.

Section 5133 provides that no funds under the Safe and Drug-Free Schools and Communities program may be used for construction (except for necessary minor remodeling) or for medical services (except for counseling or referral to treatment for students who are victims of or witnesses to crime or who use alcohol, tobacco, or other drugs).

Title V, Part B—Assistance to Address School Dropout Problems

Section 5201 provides that this part may be cited as the "School Dropout Assistance Act."

Section 5202 establishes that the purpose of the School Dropout Assistance Act is to reduce the number of children who do not complete their elementary and secondary education by providing grants to LEA's to establish effective programs to identify potential student dropouts and prevent such students from dropping out, establish effective early intervention programs designed to identify at-risk students in elementary and secondary schools, identify and encourage children who have already dropped out to reenter school and complete their education, and establish model systems for collecting and reporting information to local school officials on such students and on the reasons they have dropped out of school.

Section 5203 permits up to $2 million of each year's appropriation to be reserved for program evaluation, and prescribes percentages of the remaining funds to be allocated among categories of LEA's, based on enrollment; within each category, requires the Secretary to give special consideration to awarding funds to LEA's participating in an educational partnership; and provides that Federal funds may account for no more than 90 percent of the total cost of a project for the first year and no more than 75 percent for the second and subsequent years.

Section 5204 prescribes the requirements for applications for funding under this program and requires the Secretary, in approving applications, to give priority to applications that both show the replication of successful programs or the expansion of successful programs within an LEA and that reflect very high numbers or percentages of dropouts in the schools of the applicant. This section also requires the Secretary to give additional special consideration to applications that include provisions that emphasize early intervention services designed to identify at-risk students in elementary or early secondary schools and that include provisions for significant parental involvement.

Section 5205 authorizes numerous educational, occupational and basic skills testing services and activities that grantees may support with funds under this program.

Section 5206 limits administrative costs of a grant under this program to 5 percent, and requires the Secretary to ensure the following: that funds for this program are distributed equitably on a geographic basis; that the amount of each grant is proportionate to the extent and severity of the local school dropout problem; that at least 30 percent of the amount available for grants each year is used for dropout prevention activities; and that at least 30 percent of the amount available for grants each year is used for activities relating to persuading school dropouts to return to school and assisting former school dropouts with specialized services once school dropouts return to school.

Section 5207 requires the Secretary to submit to the Congress a report by January 1 of each year on the progress of the Commissioner of Education Statistics in implementing a definition and data collection process for school dropouts. Such report shall also contain recommendations on ways in which the Federal Government, States, and localities can further support the implementation of an effective methodology to measure accurately dropout and retention rates on the national, State, and local levels.

Section 5208 authorizes appropriations of $50 million in fiscal year 1995 for the School Dropout Assistance program.

TITLE VII—LANGUAGE ENHANCEMENT AND ACQUISITION PROGRAMS

Title VII, Part A—Bilingual Education Programs

Section 7101 provides that title III may be cited as the "Bilingual Education Act."

Section 7102 contains findings on the diverse make up of today's students and the challenges children and youth of limited-English proficiency face in receiving quality education. This section also delineates the obligations and efforts of the Federal Government to assist States and local school districts to provide equal educational opportunity to limited-English proficient children and youth.

Section 7103 contains provisions related to the policy of the United States regarding ensuring equal educational opportunity for all children and youth and authorizes appropriations of $215 million for this section.

Section 7104 defines terminology for purposes of title VII, including the definition of bilingual education program and the definition of limited-English proficiency.

Section 7105 contains provisions specifically related to Native American and Alaska Native children in school such as definitions of Indian Tribe and tribally sanctioned educational authority.

Subpart 1—Financial assistance for bilingual education

Section 7111 contains major provisions pertaining to Federal grants made available to local educational agencies for purposes of implementing title VII. Provisions specify three types of grants: Development and Enhancement grants; Comprehensive Schools grants; and Comprehensive District grants. This section contains provisions specifying the eligibility requirements for such grants, the duration of each type of grants and the allowable uses and restrictions of title VII funds. In addition, this requires a geographic distribution of funds that will reflect 3 specific criteria. This section also describes the application process and lists the required elements of the application.

The amount of funds the Secretary may award for Development and Enhancement grants or Comprehensive School grants for programs that do not use the native language may not exceed 25 percent of the total amount of funds awarded. However, the 25 percent limit may be exceeded if an applicant demonstrates that the diversity of LEP students' native languages makes instruction in the native language impractical, or the applicant has not been able to hire teachers who know the students' native language.

This section also encourages local capacity building, authorizes LEA's to form consortia to carry out bilingual education programs, and requires notification of parents when their children have been identified for enrollment in a bilingual education program.

Subpart 2—Research and evaluation

Section 7121 authorizes the Secretary to conduct research and evaluation activities for purposes of improving bilingual education programs for children and youth of limited-English proficiency.

Section 7122 contains provisions related to the awards the Secretary shall make to carry out the research and evaluation activities related to title VII. The Secretary is required to conduct research on effective instruction practices for multilingual classes and on effective instruction strategies for teachers who do not know their students' native language.

Section 7123 contains provisions related to the Academic Excellence Awards program, including the Secretary's authorized dissemination activities for purposes of promoting the adoption and implementation of model high-quality bilingual education programs.

Section 7124 contains provisions related to the State Grant Program, including the application requirements for awards to State educational agencies, the allowable use of funds, and the required appointment of a State bilingual education advisory panel.

Section 7125 contains provisions related to the National Clearinghouse for Bilingual Education defining its establishment, purpose, and functions. The Clearinghouse shall collect, analyze, synthesize, and disseminate information about bilingual education and related programs, and shall develop a database management and monitoring system for improving the operation and effectiveness of bilingual education programs.

Section 7126 contains provisions related to evaluations for programs under subparts 1 and 3 (grants to local educational agencies and grants for professional development, respectively). The provisions specify the use and content of such evaluations which each recipient of funds should submit to the Secretary every 2 years.

Subpart 3—Professional development

Section 7131 contains provisions related to professional development efforts of title VII to improve the quality of instruction for children and youth of limited-English proficiency.

Section 7132 describes the application requirements, review process and allowable use of funds for two types of professional development grants: a) grants to Institutions of higher education and b) grants to State and local educational agencies.

Section 7133 authorizes fellowships awarded through title VII. The provisions specify the eligible educational degrees—such as masters, doctor and post-doctoral—and the content areas of study for which fellowships maybe awarded. The provisions also specify the conditions of repayment.

Section 7134 stipulates that the Secretary shall provide stipends, as appropriate, to participants in the title VII funded-training programs.

Title VII, Part B—Foreign Language Assistance Program

Section 7201 defines the short title of the Foreign Language Assistance Program.

Section 7202 contains Congressional findings on the need for foreign language proficiency in the Nation and the need to improve the instruction of foreign language in the Nation's elementary and secondary schools.

Section 7203 authorizes the Foreign Language Assistance Program and specifies requirements for and duration of grant awards. Two types of grants are specified: a) grants to State educational agencies and b) grants to local educational agencies.

Section 7204 contains provisions related to the application for the Foreign Language Assistance Program grants, including which programs shall be given special consideration by the Secretary.

Section 7205 requires the Secretary to make incentive payments each year to public elementary schools that provide a program designed to lead to communicative competency in a foreign language.

Section 7206 contains an authorization of appropriation of $20 million for fiscal year 1995 and unspecified sums for each of the 4 succeeding fiscal years for purposes of the Foreign Language Assistance Program.

Title VII, Part C—Administration

Section 7301 contains provisions related to maximizing the effective coordination of Federal programs aimed at serving the educational needs of children and youth of limited-English proficiency, including programs in such areas as teacher training, program content, research, and curriculum.

Section 7302 contains provisions related to the report on the condition of bilingual education the Secretary is required to submit to Congress every 3 years.

Section 7303 contains provisions related to the State educational agency recommendations and the peer review of applications for grants under part A.

Title VII, Part D—Special Rule

Section 7401 contains a clause that limits the funding period for recipients of title VII grants awarded prior to the date of enactment of the Improving America's Schools Act of 1994

TITLE VIII, PROGRAMS OF NATIONAL SIGNIFICANCE

Title VIII, Part A—Arts in Education

Section 8101 authorizes the Secretary to carry out a broad range of activities to strength arts education. This section sets the Congressional findings and states the purpose of the program. Eligible recipients are defined as State educational agencies; local educational agencies; institutions of higher education; museums and other cultural institutions; and other public and private agencies, institutions and organizations. The section describes authorized activities, including projects carried out by the Kennedy Center and Very Special Arts. Appropriations are authorized a $11 million for fiscal year 1995. If appropriations are $9 million or less, the entire amount shall support projects of the Kennedy Center and Very Special Arts.

Title VIII, Part B—Inexpensive Book Distribution Program

Section 8151 continues the authorization for Federal support for the activities of Reading Is Fundamental, an organization that, through agreements will local nonprofit groups, distributes books to children from birth through secondary school age. Appropriations are authorized at $11 million for fiscal year 1995.

Title VIII, Part C—Public Charter Schools

Section 8201 sets forth findings and a statement of purpose for the public charter schools program. They program is intended to increase national understanding of the charter schools model by providing financial assistance for the design and development of such schools and by evaluating their effects on students, staff, and parents.

Section 8202 authorizes the Secretary to make grants to SEA's for the design and initial implementation of charter schools. A grant period may last for up to three years, including up to 18 months for planning and up to two years for initial implementation of schools. Describes the guidelines for the use of funds and establishment of a revolving loan fund through the SEA.

Section 8203 describes the required elements of the application that eligible applicants are to submit to either the Secretary or the SEA in order to receive a Public Charter Schools grant. The application is to include, among other things, a description of the educational program to be implemented, the objectives of that program, the governance structure for the school or schools, and, as needed, a request for waiver of Federal requirements that would impede the implementation of the proposed project.

Section 8204 sets forth several criteria for Secretarial approval of applications and an authorization for the Secretary to waive statutory requirements if such waivers will promote the purposes of the program. It also requires the Secretary to use a peer review process to review applications.

Section 8205 permits grantees to use program funds only for post-award planning and design of charter schools and for the initial implementation of those schools and describes the types of activities that therefore may be carried out.

Section 8206 permits the Secretary to reserve up to 10 percent of program funds for review applications, an evaluation of the program, and other national activities.

Section 8207 includes definitions of a "charter school," a "developer," and an "eligible applicant" and an "authorized public chartering agency."

Section 8208 authorizes appropriations at $15 million for fiscal year 1995 for the Public Charter Schools program.

Title VIII, Part D—Civic Education

Section 8251 authorizes the Secretary to support the "We the People . . . The Citizen and the Constitution" program of the Center for Civic Education and describes the activities to be carried out.

Section 8252 authorizes the Secretary to award funds to State and local educational agencies and other public and private nonprofit agencies, organizations and institutions for programs to enhance understanding of the law and describes certain conditions regarding the award of funds and authorized activities.

Section 8253 establishes reporting requirements, authorizes appropriations of $20 million for the part D civic education program, and provides for the equitable allocation of funds between support for the Center and the grant program.

Title VIII, Part E—Allen J. Ellender Fellowship Program

Section Section 8301 contains findings for the part E fellowship program.

Subpart 1—Program for middle and secondary school students

Section 8311 authorizes the Secretary to make grants to the Close Up Foundation to support its programs for increasing understanding of the Federal Government among middle and secondary students.

Section 8312 sets out application requirements.

Subpart 2—Program for middle and secondary school teachers

Section 8321 authorizes the Secretary to make grants to the Close Up Foundation for programs for middle and secondary school teachers.

Section 8322 sets out application requirements.

Subpart 3—Program for recent immigrants, students of migrant parents and older Americans

Section 8331 authorizes the Secretary to make grants to the Close Up Foundation for programs for recent immigrants, students of migrant parents, and economically disadvantaged older Americans.

Section 8332 sets out application requirements.

Subpart 4—General provisions

Section 8341 provides for payments and audits.

Section 8342 authorizes appropriations of $4.5 million for part E and provides for a 30 percent limit on the percentage of funds that may be used for programs for teachers.

Title VIII, Part F—Gifted and Talented Children

Section 8401 provides that part F may be cited as the "Jacob K. Javits Gifted and Talented Students Education Act of 1994."

Section 8402 sets forth findings that schools have often failed to challenge gifted and talented students and establishes the purpose of this program first to identify and develop the special talents of gifted youngsters and second to use the experience and knowledge gained through programs for gifted and talented youth to provide all students with a challenging curriculum.

Section 8403 contains a definition of "gifted and talented students." Section 8404 authorizes the Secretary to make grants to State educational agencies, local educational agencies, institutions of higher education, or other public and private agencies and organizations to carry out programs. This section sets out the application requirements and authorized uses of funds for programs assisted under this part. It provides for the establishment of a National Center for Research and Development in the Education of Gifted and Talented Children and Youth.

Section 8405 sets out the priorities for the program, which include (1) programs which provide for the identification of and services to gifted and talented students who might not be identified through traditional means, and (2) statewide or regional programs that involve the cooperation of state and local educational agencies and other entities. At least half of all applications approved by the Secretary must fall into the first priority category.

Section 8406 contains the general provisions for the program, including requirements that grantees provide for the participation of private school children and teachers when appropriate, provisions governing the administration of the program within the Department of Education by a person with recognized professional qualifications and experience in the field, and provisions relating to peer review of applications, dissemination of programs, and evaluation of program effectiveness.

Section Section 8407 authorizes $20 million for programs in 1995 and such sums as may be necessary in the 4 succeeding fiscal years. The section requires that if appropriations exceed $20 million in any fiscal year, the Secretary make available 40 percent of the excess amount for programs that may be adapted and used to improve teaching and learning for all students in a school while not diminishing the curriculum and instruction for gifted and talented students.

Title VIII, Part G—Women's Educational Equity

Section 8451 provides that part G may be called the "Women's Educational Equity Act of 1994." Sets forth Congressional findings on part G.

Section 8452 describes the purpose of part G.

Section 8453 authorizes the Secretary to make grants to public agencies, private nonprofit agencies, organizations, institutions, community groups and individuals for the purpose of gender-equity.

Section 8454 sets out application requirements.

Section 8455 requires the Secretary to establish separate criteria and priorities for awards.

Section 8456 requires that the Secretary submit a report on the status of education equity for girls and women in the Nation to the President and the Congress by January 1, 1999.

Section 8457 establishes evaluation and dissemination requirements.

Section 8458 authorizes appropriations of $2 million for part G.

Title VIII, Part H—Fund for the Improvement of Education

Section 8501 authorizes the Fund for the Improvement of Education, sets out the permissible uses of funds, sets out conditions for the award of funds, and authorizes appropriations of $35 million in fiscal year 1995.

Title VIII, Part I—Blue Ribbon Schools

Section 8551 authorizes the Secretary to carry out a blue ribbon schools recognition program, establishes requirements related to the selection of schools, and authorizes appropriations of $1 million in fiscal year 1995.

Title VIII, Part J—National Student and Parent Mock Election

Section 8601 authorizes the Secretary to support national student and parent mock elections and authorizes appropriations of $125 million for each fiscal year 1995 through 1999.

Title VIII, Part K—Elementary School Counseling Demonstration

Section 8651 provides that this part may be cited as the Elementary School Counseling Demonstration Act.

Section 8652 sets forth Congressional findings regarding the need for, and justifying a Federal role in supporting, increased counseling services for elementary school children, and establishes that the purpose of this program is to enhance the availability and quality of counseling services for elementary school children by providing grants to local educational agencies to enable such agencies to establish effective and innovative elementary school counseling programs that can serve as national models.

Section 8653 authorizes appropriations of $10 million in FY 95 for this program.

Section 8654 authorizes funds appropriated for this program to be used to make grants to local educational agencies to initiate or expand school counseling programs for elementary school children, and requires the Secretary to give special consideration to applications describing programs that demonstrate the greatest need for funds, propose the most promising and innovative approaches, and show the greatest potential for replication and dissemination, as well as to ensure the equitable distribution of grants among the regions of the United States and among urban, suburban, and rural areas. Grants may not be awarded for a period of more than three years or exceed $400,000 in any fiscal year.

Section 8655 prescribes the requirements for applications for funding under this program.

Section 8656 establishes program requirements and authorized uses of funds, and requires the Secretary to issue a report evaluating the programs assisted under each grant and to make the programs assisted available for dissemination. Limits the amount of funds used for administrative purposes to 5 percent.

Section 8657 defines various terms with specific meanings for purposes of the legislation.

Title VIII, Part L—21st Century Community Learning Centers

Section 8701 provides that this part may be cited as the "21st Century Community Learning Centers Act."

Section 8702 sets forth Congressional findings that support the role of local public schools and school facilities in providing educational, health, social service, cultural, and recreational services in rural and inner-city communities.

Section 8703 authorizes the Secretary to award grants to rural and inner-city public elementary or secondary schools to plan, implement, or expand projects that address the educational, health, social service, cultural, and recreational needs of their communities. Such grants may not be awarded for a period of more than three years or in an amount less than $20,000 in any fiscal year, and such assistance is to be distributed equitably among the States, among urban and rural areas of the United States, and among urban and rural areas of a State.

Section 8704 prescribes the requirements for applications for funding under this program, and requires the Secretary to give priority to applications describing projects that offer a broad selection of services.

Section 8705 requires that grants awarded under this program be used to support community learning centers that include at least four activities among a number set forth in the section.

Section 8706 defines various terms with specific meanings for purposes of the legislation.

Section 8707 authorizes appropriations of $20 million in fiscal year 1995.

Title VIII, Part M—Model Projects

Section 8751 authorizes the Secretary to award grants to cultural institutions to develop and expand model projects of outreach activities for at-risk children in the communities served by such institutions, including activities which integrate such institutions' cultural programming with other disciplines, including environment, mathematics, and science programs. In awarding grants, the Secretary is required to give priority to activities that are part of an overall State, local, and private commitment, seek to improve learning for at-risk youth, and are substantially funded by State, local, or private funds. Authorizes appropriations of $5 million for fiscal year 1995.

Title VIII, Part N—Extending Time for Learning

Section 8801 contains findings related to extending time for learning.

Section 8802 describes the purpose of the part N extending time for learning program.

Section 8803 authorizes the Secretary award grants to local educational agencies to carry out the purposes of the part and establishes the amount of not more than $100,000 and duration of grants, which shall not exceed 3 years.

Section 8804 sets out application requirements.

Section 8805 sets out the authorized activities for which grant funds may be used.

Section 8806 provides for peer review, diversity in the types of local educational agencies to receive support, and priority for agencies serving schools with the highest percentages of students in poverty.

Section 8807 contains definitions for part N.

Section 8808 authorizes appropriations of $20 million in fiscal year 1995 for part N.

Title VIII, Part O—Creating Smaller Learning Communities

Section 8851 contains findings related to creating smaller learning communities.

Section 8852 describes the purpose of the part O creating smaller learning communities program.

Section 8853 authorizes the Secretary to award grants to local educational agencies to carry out the purpose of the part and establishes the amount and duration of grants.

Section 8854 sets out application requirements.

Section 8855 sets out the authorized activities for which grant funds may be used.

Section 8856 provides for peer review, diversity in the types of local educational agencies to receive support, priority for agencies serving schools with the highest percentages of students in poverty, and special consideration for agencies serving a diversity of grade spans.

Section 8857 authorizes appropriations for part O.

TITLE IX, SPECIAL PROGRAMS

Title IX, Part A—Impact Aid

Section 9001 sets forth Congressional findings on local educational agencies affected by impact aid.

Section 9002 describe the purposes of impact aid, which is to fulfill the federal responsibility to assist with the provision of educational services to federally connected children by providing financial assistance to local educational agencies that educate such children, are burdened by the acquisition of property by the United States, or experience sudden and substantial increases in enrollments due to military realignments.

Section 9003 describes local educational agencies eligible for payments relating to federal acquisition of real property and provides for the calculation of payments.

Section 9004 describes eligible children and provides formulas for computation of payment to local educational agencies with eligible children.

Section 9005 sets forth policies and procedures relating to children residing on Indian lands.

Section 9006 describes the process by which local educational agencies may apply for payments under section 9003 and 9004.

Section 9007 sets forth eligibility requirements, application procedures, and payment calculations for LEA's with sudden and substantial increases in attendance of military dependents.

Section 9008 authorizes the Secretary to make payments for construction to school districts where children living on Indian lands constitute at least 50 percent of enrollment, heavily impacted districts, and districts experiencing military realignment.

Section 9009 sets forth the process by which the Secretary may continue to provide assistance for school facilities and provides for the transfer of ownership of such facilities to local educational agencies.

Section 9010 maintains current law in describing the treatment of payments by the States in determining eligibility for, and the amount of, State aid.

Section 9011 provides for the Federal administration of impact aid.

Section 9012 describes the manner by which a local educational agency may file grievances against Secretarial actions.

Section 9013 permits the Secretary to forgive the obligation of a local educational agency to repay, the amount of any overpayment for impact aid if the Secretary determines that the overpayment was due to the Secretary's error, or if it was due to the LEA's error and repayment would result in undue financial hardship.

Section 9014 defines terms for the purpose of this program.

Section 9015 authorizes a total appropriation of $865,750,000 for fiscal year 1995 to carry out part A.

Title IX, Part B—Emergency Immigrant Education Program

Section 9201 states that the purpose of the Emergency Immigrant Education Program is to assist eligible local educational agencies provide high-quality instruction to immigrant children and youth. This section also provides definitions of terms for purposes of this program.

Section 9202 establishes a 1.5 percent limit regarding what State educational agencies may use to defray the costs of administrating the Emergency Immigrant Education Program.

Section 9203 contains provisions related to the circumstances under which the Secretary may withhold allocations to State educational agencies or may require a State educational agency to stop making payments to a specified local educational agency.

Section 9204 describes the formula for State allocations, and for allocations to eligible LEA's (those where immigrant children number 500 or account for at least 3 percent of enrollment). When appropriations exceed $50 million, the amounts in excess of $50 million shall be allocated to LEA's with at least 1,000 immigrant children or 10 percent of enrollment on a competitive basis.

Section 9205 contains provisions related to State applications for the competitive grant program includes specific requirements of the application and its review process.

Section 9206 contains provisions related to the date by which payments should be made and conditions under which the Secretary may grant waivers to serve students in nonpublic schools.

Section 9207 contains provisions related to the allowable uses of funds provided under the Emergency Immigrant Education Act and allowable consortia and subgrant arrangements for purposes of this program.

Section 9208 contains provisions specifying reporting requirements for (a) State educational agencies receiving title IX part B funds to report to the Secretary every 2 years and (b) the Secretary to report to Congress once every 2 years concerning programs assisted by the Emergency Immigrant Education Act.

Section 9209 contains an authorization of appropriations of $75 million for fiscal year 1995 and unspecified amounts for each of the 4 succeeding fiscal years to carry out this part of title IX.

Title IX, Part C—Native Hawaiian Education

Section 9301 provides that this part may be cited as the "Native Hawaiian Education Act."

Section 9303 provides that the purpose of this program is to develop supplemental educational programs to benefit Native Hawaiians, provide direction and guidance to Federal, State, and local agencies to focus resources on the problem of Native Hawaiian education, and supplement and expand existing education programs to improve the education of Native Hawaiians.

Section 9304 authorizes the Secretary to make direct grants to Native Hawaiian educational organizations for the purpose of Native Hawaiian curriculum development and teacher training and recruitment and authorizes $2 million for these activities.

Section 9305 provides grants to Native Hawaiian organizations and community colleges to develop community-based education learning centers $1 million is authorized in fiscal year 1995.

Section 9306 authorizes the Secretary to make direct grants to Native Hawaiian educational organizations or educational entities to expand the operation of Family-Based Education Centers to provide parent-infant, preschool, and other early childhood educational programs throughout the Hawaiian Islands. $6 million is authorized.

Section 9307 authorizes the Secretary to provide for fellowships and support services for Native Hawaiian students enrolled in institutions of higher education. $2 million is authorized.

Section 9308 authorizes the Secretary to make a grant to a Native Hawaiian educational organization or an educational entity to support a native hawaiian gifted and talented program designed to address the special needs of Native Hawaiian elementary and secondary school students who are gifted and talented. $1.5 million is authorized for fiscal year 1995.

Section 9309 authorizes the Native Hawaiian Special Education Program to support the special education needs of Native Hawaiian students through grants to Native Hawaiian education organizations. $2 million is authorized for fiscal year 1995.

Section 9310 authorizes the Secretary to establish a Native Hawaiian Education Council and sets forth administrative guidelines and duties of the Council. This section also authorizes the Office of Hawaiian Affairs of the State of Hawaii to establish Native Hawaiian education island councils, and authorizes $500,000 in fiscal year 1995.

Section 9311 provides that no grant or contract may be awarded under this program unless a satisfactory application is submitted to the Secretary, and that each application submitted for funding be accompanied by the comments of each local educational agency serving students who will participate in the project for which assistance is sought.

Section 9312 defines various terms with specific meanings for purposes of the legislation.

Section 9401 authorizes $5 million for a program of general assistance to improve public education in the Virgin Islands.

TITLE X, GENERAL PROVISIONS

Title X, Part A—Definitions

Section 10101 contains definitions of terms used in ESEA.

Section 10102 provides that parts B through F of title X do not apply to the Impact Aid program.

Title X, Part B—Flexibility and the Use of Administrative and Other Funds

Section 10201 authorizes state educational agencies to consolidate Federal funds provided for administration under title I, part A of title II, subpart 1 of part A of title V, subpart 2 of part A of title III and title XIII, provides how these funds may be used, and authorizes the Secretary to periodically review the performance of SEA's in using consolidated administrative funds.

Section 10202 provides that a State that also serves as an LEA shall in its applications or State plans under this act describe how it will eliminate duplication in its administrative functions.

Section 10203 authorizes LEA's, with the approval of its SEA to consolidate certain funds for local administration, provides how these funds may be used and requires SEA's to establish procedures for responding to LEA requests to consolidate such funds.

Section 10204 authorizes the Secretary to study, publish regulations or guidelines and report to Congress on the consolidated uses of funds by SEA's and LEA's for administration of covered ESEA programs.

Section 10205 requires the Secretary to transfer to the Secretary of the Interior amounts for consolidated administration of various ESEA programs. It also requires a joint agreement between the 2 Secretaries regarding the distribution and use of funds, and limits the use of funds by the Department of Interior for Administrative purposes to 1.5 percent.

Section 10206 permits an LEA, with the approval of its SEA to—(1) use unneeded funds from one covered program (not to exceed 5 percent of the total) other than part A of title I for the purpose of another covered program.

Title X, Part C—Coordination of Programs; Consolidated State and Local Applications

Section 10301 describes the purpose of authorizing consolidated State and local applications as encouraging greater cross-program coordination, planning, and service delivery and integration of Federal, State, and local programs.

Section 10302 requires the Secretary to establish procedures and criteria in collaboration with SEA's and others under which States may submit consolidated applications for a variety of ESEA programs.

Section 10303 requires each SEA that submits an application or plan under the ESEA to have on file with the Secretary a single set of assurances and provides what those assurances include.

Section 10304 authorizes LEA's to submit consolidated applications for more than one covered program to their SEA's, consistent with procedures established by the SEA's in collaboration with its LEA's.

Section 10305 requires any applicant (other than an SEA) under the ESEA to have on file with the SEA a single set of assurances and provides what those assurances include.

Section 10306 requires that State and local plans submitted under various ESEA programs be integrated with each other and with their Goals 2000 plan, if any, and provides that SEA's and LEA's do not have to address requirements that have already been met by Goals 2000 plans, and that state plans can be submitted as an amendment to the Goals 2000 plan.

Title X, Part D—Waivers

Section 10401 authorizes that except as provided for in subsection (c), the Secretary may waive any requirement of the ESEA, or of the General Education Provisions Act or of the regulations issued under such acts, for up to 4 years plus an extension, for a State educational agency, local educational agency, Indian tribe, or other agency, organization, or institution that receives funds under a program authorized by the ESEA from the Department and that requests such a waiver under certain listed conditions if the requirements impeded the effective achievement of the purposes of the ESEA.

Title X, Part E—Uniform Provisions

Section 10501 delineates a general maintenance of effort requirement for covered programs and provides that this requirement may be waived by the Secretary under certain specific circumstances.

Section 10502 prohibits States from taking payments under this Act into consideration when determining the amount of State aid to which LEA's are eligible.

Sectionh 10503 sets out general provisions regarding the participation of private school children and teachers.

Section 10504 allows, for the purpose of providing assistance to private school children and teachers, the Secretary to by-pass SEA's and LEA's that are prohibited by law from providing such assistance.

Section 10505 requires the Secretary to develop and implement written procedures for receiving, investigating, and resolving complaints that an SEA or LEA is not properly permitting the participation of private school children and teachers.

Section 10506 provides a process for review, determinations, and payments from State allotments relating to Secretarial bypass under section 10504.

Section 10507 prohibits the making of any payment under this Act for religious worship or instruction.

Title X, Part F—Other Provisions

Section 10601 authorizes an SEA to reserve up to 1 percent of certain ESEA program funds to implement a program of recognition of exemplary performance if certain conditions are met.

Section 10602 prohibits the ESEA from being construed to affect home schools.

Section 10603 prohibits the ESEA from being construed to allow Federal control over private, religious, or home schools, but provides that his section should not be construed to bar those schools from participation in ESEA programs or services.

Section 10604 prohibits the ESEA from being construed to authorize Federal mandates, directions or control over State, local or school curriculum, instruction or resources or spend funds not provided under the ESEA.

Section 10605 requires that the Secretary report to the Congress within 180 days of the date of enactment of this act ensuring that audits conducted by the Department comply with changes to the ESEA made by the Improving America's Schools Act of 1994.

Title X, Part G—Evaluations

Section 10701 authorizes the Secretary to reserve 0.50 percent of the amounts appropriated under each ESEA program except title I to carry out program evaluations, studies of program effectiveness, and to report to Congress. Ninety percent of the reserved funds must be used for 1) independent studies of ESEA programs to determine program effectiveness, the short- and long-term effects on program participants, the cost-effectiveness of each program, and the cost of serving all eligible students and 2) a comprehensive evaluation of Federal assistance in state education reform. The remaining 10 percent is to be used for the evaluation of demonstration programs. The Secretary is also authorized to provide guidance, technical assistance, and model programs to grant recipients to strengthen internal program evaluations.

TITLE XI, CULTURAL PARTNERSHIPS FOR AT-RISK CHILDREN AND YOUTH

Section 11101 provides that this title may be cited as the Cultural Partnerships for At-Risk Children and Youth Act of 1994.

Section 11102 sets forth Congressional findings that acknowledge the role that cultural activities and instruction in the arts and humanities play in the educational achievement and success of children and youth.

Section 11103 authorizes a program of demonstration grants to improve the educational performance and potential of at-risk children and youth by providing comprehensive and coordinated educational and cultural services to such children and youth. Under this program, grants would be awarded to a National Committee on Cultural Partnerships for At-Risk Youth, which would subgrant awards to partnerships between local educational agencies and other eligible organizations. The members of the National Committee shall be appointed by the Secretary of Education, the Chairpersons of the National Endowment for the Humanities and the National Endowment for the Arts, and the Director of the Institute for Museum Services.

Section 11104 authorizes a broad range of art, culture, education, and other activities that may be carried out by subgrantees under this program.

Section 11105 authorizes 1-year planning subgrants of up to $50,000 for projects to be supported under this title.

Section 11106 requires that subgrantees provide a 20 percent match, from non-Federal sources, of the cost of carrying out their projects; that not more than 25 percent of subgrant funds in any fiscal year be used for noninstructional services; and that subgrant funds be used to supplement, and not supplant the amount of funds made available from non-Federal sources.

Section 11107 requires the Secretary to disseminate information concerning successful models under this program through the National Diffusion Network.

Section 11108 authorizes appropriations of $20 million for fiscal year 1995 for this program, and limits the amount for planning grants to 10 percent of the amount appropriated in any fiscal year. No funds will be made available for this title unless the NEA, HEH, and IMS receive certain minimum appropriations.

TITLE XII—DISCLOSURE REQUIREMENTS

Section 12001 contains definitions for the purposes of title XII, including definitions of such terms as "educational organization" and "educational program." In general, an educational organization is an entity that provides an educational program to minors for a fee (but excludes SEA's, LEA's, State departments of education, elementary and secondary schools, institutions of higher education, and organizations sponsored by recreational, entertainment, sports, and social organizations) and an educational program is an honors, government study, or student exchange program or seminar for minors, for which a fee is charged, that is offered away from the student's regular place of school attendance, and includes at least one night away from home.

Section 12002 requires an educational organization offering an educational program to disclose to the student or his or her parents, in writing, specific information about its recruitment practices, costs, and subcontracts, including the relationships between its officers and employees and its subcontractors. This information must be disclosed before the organization enrolls a student and before it accepts funds for the cost of a student's participation in its program.

Section 12003 requires each educational organization to include in its recruitment material a verifiable statement that it does not discriminate on the basis of race, disability, or residence in a low-income area in its employment or student participation practices.

Section 12004 states that the Secretary of Education shall widely disseminate information about the requirements of this title, require educational organizations to submit assurances of compliance, and take whatever steps the Secretary determines are appropriate to enforce this title.

TITLE XIII—TARGETED ASSISTANCE PROGRAM

Title XIII, Part A—General Provisions

Section 13101 describes how title XIII funds are to be reserved for the outlying areas and allotted among the States.

Section 13102 describes how State educational agencies are to distribute title XIII funds to local educational agencies and requires that 80 percent of the funds be awarded to LEA's.

Title XIII, Part B—State Programs

Section 13201 limits the activities for which a State educational agency may use title XIII funds that are reserved for State use to State administration and evaluation, technical assistance, and grants to LEA's. It also limits the use of these State funds to a maximum of 25 percent.

Section 13202 describes the contents of a State's application for title XIII funds and provides that each application may be for up to three years.

Section 13203 describes the participation of children enrolled in private schools in activities under this title.

Title XIII, Part C—Local Targeted Assistance Programs

Section 13301 describes the targeted assistance programs for which title XIII funds are to be used. They include programs for: the acquisition and use of instructional and educational materials to improve student achievement; improving higher order thinking skills of low-income students and prevent students from dropping out of school; combatting illiteracy; providing for the educational needs of gifted students; school repair, renovation, and construction; school reform for LEA's that do not receive Goals 2000 funds; and school improvement activities under part A of title I.

Section 13302 provides that authorized activities to carry out targeted assistance programs may include training of personnel, guidance and pupil services, or any other educational or related activity. This section also authorizes State and local educational agencies to make grants and to enter into contracts with other entities.

Section 13303 describes the contents of a local educational agency's application for title XIII funds and provides that each application may be for up to three years.

Section 13401 authorizes the appropriation of $325 million for fiscal year 1995, and "such sums" for fiscal years 1995 through 1999, to carry out title XIII.

TITLE XIV—NATIONAL EDUCATION STATISTICS ACT OF 1994

Section 14001 provides that this part may be cited as the "National Education Statistics Act of 1994."

Section 14002 contains findings, purpose, and definitions for this part.

Section 14003 establishes the National Center for Education Statistics within the Office of Educational Research and Improvement and provides for the Commissioner and necessary Associate Commissioners. This section would require the Center to be headed by a Commissioner of Education Statistics (the "Commissioner"), appointed by the President, by and with the advice and consent of the Senate. The Commissioner would: (1) have substantial knowledge of programs encompassed by the Center; (2) be paid in accordance with section 5315 of title 5, United States Code; and (3) serve for a term of 4 years, with the terms to expire every fourth June 21, beginning in 1995. Section 3(b)(2) would authorize the Commissioner to appoint such Associate Commissioners as the Commissioner determines are necessary and appropriate.

Section 14004 sets out the duties of the Center. This section would require the Center to collect, analyze, and disseminate statistics and other information related to education in the United States and in other nations, including: (1) acquiring, compiling (where appropriate, on a State-by-State basis), and disseminating full and complete statistics on the condition and progress of education in the United States, including data on State and local education reform; student achievement and other educational outcomes; educational access and opportunity; teaching; the leaning environment; the financing and management of education; and the social and economic status of children; (2) conducting and publishing reports and publishing reports and analyses of the meaning and significance of such statistics; (3) conducting longitudinal studies, as well as regular and special surveys and data collections, necessary to report on the condition and progress of education; (4) assisting public and private educational agencies, organizations, and institutions in improving and automating their statistical and data collection activities; and (5) acquiring and disseminating data on educational activities and student achievement in the United States compared with those in foreign nations.

Section 14005 sets out authorities of the Commissioner in the performance of the Center's duties.

Section 14006 provides for reports by the Commissioner. This section would require the Commissioner, no later than June 1 of each year, to submit to the President and the Congress a statistical report on the condition and progress of education in the United States.

Section 14007 establishes the Advisory Council on Education Statistics, sets out requirements regarding the membership of the Council, and provides for its operation.

Section 14008 sets out confidentiality requirements related to Center activities and data. This section would require the Center to develop and enforce standards designed to protect the confidentiality of persons in the collection, reporting, and publication of data under this act. It would also prohibit any person from: (1)

using any individually identifiable information furnished under the provisions of the act for any purpose other than a statistical purpose; (2) making any publication whereby the data furnished by any particular person under the act can be identified; or (3) permitting anyone other than the individuals authorized by the Commissioner to examine the individual reports. In addition, it would provide that any person who uses any data provided by the Center, in conjunction with any individual student, teacher, administrator, or other individual and who knowingly discloses, publishes, or uses the data for a purpose other than a statistical purpose, shall be found guilty of a felony and imprisoned or fined or both. This section would also state that nothing in this section shall restrict the right of the Secretary, the Comptroller General of the United States, the Director of the Congressional Budget Office, and the Librarian of Congress to gain access to any reports or other records, including information identifying individuals, in the Center's possession.

Section 14009 provides for the dissemination of Center data and information.

Section 14010 authorizes the Commissioner to establish cooperative education statistics systems for the purpose of producing comparable and uniform data on education and libraries.

Section 14011 provides for the National Assessment of Educational Progress and sets out requirements related to the Assessment. This section would continue many of the provisions of GEPA that relate to the National Assessment of Educational Progress. In addition, it would: (1) add foreign languages and arts to the list of subjects to be assessed; (2) revise, and provide more flexibility in, the current reporting schedule; (3) authorize, rather than require, (and revise the schedule for) State level assessments; (4) eliminate the authority for assessments of adult literacy; (5) authorize making National Assessment test instrument is available for assessing aggregate student achievement at the school or district level; (6) eliminate the prohibition on reporting test results below the State level; and (7) authorize the Secretary to include in the National Assessment the defense departments education system and Bureau of Indian Affairs schools. In addition the Commissioner would also be required to: (1) collect and report data on a periodic basis, but at least once every 2 years, on students at ages 9, 13, and 17 and in grades 4, 8, and 12; (2) report achievement data on a basis that ensures valid and reliable trend reporting; (3) include information on special groups; and (4) ensure that achievement data are made available on a timely basis. Section 11(b)(2) would authorize the Commissioner, in carrying out the National Assessment, to conduct State assessments of student achievement in grades 4, 8, and 12. This section would also require the Commissioner to ensure that all personally identifiable information about students, their educational performance, and their families, and information with respect to individual schools remain confidential. Finally, it would provide that participation by State and local educational agencies in national and regional assessments is voluntary, and participation in assessments made on a State basis is also voluntary.

Section 14012 would retain many of the provisions in current section of GEPA that relate to the National Assessment Governing

Board. In addition, it would increase the number of testing experts and public members of the Board, and require that testing experts have training and experience in the field. This section would also require the Board to: (1) select subject areas to be assessed; (2) identify appropriate achievement goals for each age and grade in each subject area to be tested; (3) develop assessment objectives; (4) develop test specifications; (5) design the methodology of the assessment; (6) develop guidelines for analysis plans and for reporting and disseminating results; (7) develop standards and procedures for interstate, regional, and national comparisons; and (8) take appropriate actions needed to improve the form and use of the National Assessment.

Section 14014 authorizes appropriations at $100 million for fiscal year 1995 and such sums thereafter for the National Center, including the National Assessment and the Governing Board.

TITLE XV—EDUCATION INFRASTRUCTURE ACT OF 1994

Section 15001 provides that this part may be cited as the "Education Infrastructure Act of 1994."

Section 15002 contains findings related to this title.

Section 15003 describes the purpose of the Education Infrastructure Act, which is to assist with the repair, renovation, alternation and construction of school libraries, media centers, and facilities used for academic or vocational instruction.

Section 15004 defines terminology for purposes of the Education Infrastructure Act.

Section 15005 authorizes the Secretary to award grants to LEAs and authorizes appropriations of $400 million for fiscal year of 1995 for the Education Infrastructure Act.

Section 15006 describes application requirements to be used by the Secretary in reviewing applications.

Section 15007 establishes the criteria for awarding grants under this title.

Section 15008 identifies activities authorized under this title as those which help meet the National Education Goals through the repair, renovation, alteration, and construction of educational facilities and libraries.

Section 15009 establishes requirements which an eligible local educational agency shall meet in order to receive a grant under this title.

Section 15010 requires that all laborers and mechanics whose work is financed in whole or in part by a grant under this title shall be paid wages not less than those determined by the Secretary of Labor in accordance with the Davis-Bacon Act.

Section 15011 requires the Secretary to conduct a Federal assessment of programs under this title. Not more than 1 percent shall be reserved for this purpose.

TITLE XVI—URBAN AND RURAL EDUCATION

Section 16001 defines various terms with specific meanings for purposes of this title.

Title XVI, Part A—Urban Schools

Section 16101 provides that this part may be cited as the "Urban Schools of America (USA) Act of 1994."

Section 16102 sets forth Congressional findings on the Nation's urban public school systems.

Section 16103 describes the purpose of part A.

Section 16121 provides the process by which the Secretary allocates funds for the purpose of urban school improvement.

Section 16122 describes the application process for any urban local educational agency desiring to receive an allotment from the Secretary to carry out this subpart.

Section 16123 provides that any urban local educational agency may use the first 6 months of the initial program year for planning purposes.

Section 16124 describes how funds under this subpart may be used by urban eligible local educational agencies, community-based organizations, or non-profit partnerships.

Section 16125 provides that any urban eligible local educational agency which meets accountability requirements at the end of the 5-year period and at the end of each year shall be eligible to continue the project with funds under this subpart for an additional 3-year period.

Section 16126 authorizes the Secretary to make competitive awards to individual public schools participating in a program assisted under this subpart.

Section 16127 establishes special rules regarding the ranking of schools to be served under this subpart.

Title XVI, Part B—Rural Schools

Section 16131 authorizes the President to call and conduct a White House Conference on Urban Education.

Section 16201 provides that this part may be cited as the "Rural Schools of America (RSA) Act of 1994."

Section 16202 sets forth Congressional findings on the Nation's rural schools.

Section 16203 sets forth the purpose of part B.

Section 16221 describes the process by which the Secretary allocates funds for rural school improvement.

Section 16222 describes the application process for any rural local educational agency desiring to receive an allotment from the Secretary to carry out this subpart.

Section 16223 provides that any rural eligible local educational agency may use the first 3 months of the initial program year for planning purposes.

Section 16224 describes how funds under this subpart may be used by rural eligible local educational agencies, or community-based organizations or non-profit partnerships.

Section 16225 provides that any rural eligible local educational agency which meet accountability requirements at the end of the 5-year period and at the end of each year shall be eligible to continue the project with funds under this subpart for an additional 3 years.

Section 16226 authorizes the Secretary to make competitive awards to individual public schools participating in a program assisted under this subpart.

Subpart 2—General provisions

Section 16231 authorize the President to call and conduct a White House Conference on Rural Education.

Title XVI, Part C—Authorization of Appropriations

Section 16301 authorizes the Secretary to appropriate $50 million for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this title. Appropriations shall be equally divided between part A and part B.

TITLE II—AMENDMENTS TO THE GENERAL EDUCATION PROVISIONS ACT

Title II, Part A—Applicability of the General Education Provision Act

Section 211 amends the title, applicability and definitions provisions of the General Education Provisions Act (GEPA). This would revise section 400 of the act in its entirety to take account of the Department of Education Organization Act and clarify the applicability of GEPA. This section would expand the definition of "applicable program" to include any program for which the Secretary or the Department of Education has administrative responsibility, such as those under the Rehabilitation Act of 1973, that were not previously subject to the act but that were transferred to the Department under the DEOA. This amendment would also make it clear that GEPA applies to programs administered by the Department that were authorized by statutes that took effect after the effective date of the DEOA (May 4, 1980).

Section 212 repeals section 400A GEPA (relating to control of paperwork) as duplicating government-wide provisions.

Title II, Part B—The Department of Education

Section 221 provides a new heading for part A of GEPA.

Section 222 amends GEPA to eliminate duplicative provisions and provide updated general authority of the Secretary of Education. Many provisions in the Department of Education Organization Act (DEOA) supersede these provisions.

Section 223 repeals certain provisions of GEPA which are superseded by DEOA.

Title II, Part C—Appropriations and Evaluations

Section 231 makes minor and clarifying changes to the GEPA provisions relating to availability of appropriations.

Section 232 amends the GEPA provision regarding contingent extension of programs to update and clarify that provision.

Section 233 amends GEPA to change the annual evaluation report required by current law to a biennial evaluation report and to eliminate certain unnecessary reporting requirements.

Section 234 contains a number of technical amendments to GEPA.

Section 235 repeals certain provisions of GEPA which duplicate other provisions in authorizing or appropriations acts.

Title II, Part D—Administration of Education Programs

Section 241 amends GEPA to give the Secretary authority to jointly fund programs.

Section 242 amends GEPA to eliminate certain unnecessary duplicative requirements relating to the collection and dissemination of information.

Section 243 amends the GEPA application review provisions to make minor corrections. Section 244 rewrites and updates the current GEPA provision relating to the use of funds withheld. This section would expand the Secretary's authority to withhold Federal funds from a State because of an LEA's failure to comply with title VI of the Civil Rights Act of 1964 to include failure to comply with title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, and section 504 of the Rehabilitation Act of 1973. This section would broaden the types of programs the withheld funds may be used for, so that grants to the LEA's of the State from which funds were withheld could be used for any of the Department's programs that redress discrimination. It would also provide that the Secretary could reallot withheld funds to other LEA's in the same State, or to all States, in accordance with the program's governing statute.

Section 245 makes a minor change in a GEPA provision dealing with applications for assistance to allow applications to remain in effect for more than one year.

Section 246 makes clarifying and other changes in the rulemaking provisions of GEPA, including changes to ensure more timely award of grants and facilitate priority setting in the scheduling of regulations.

Section 247 updates the GEPA provisions relating to retention of records and reduces the period of years that grantees must retain such records from five to three.

Section 248 makes technical amendments to GEPA.

Section 249 repeals certain duplicative and unnecessary sections of GEPA.

Section 250 amends GEPA to insert a new section 426 relating to equity for students, teachers, and other program beneficiaries directing the Secretary to require each applicant for assistance under an applicable program to develop and describe in its application the steps it proposes to take to ensure equitable access to, and equitable participation in, the project or activity to be conducted with Federal assistance, by addressing the special needs of students, teachers, and other program beneficiaries, in order to overcome barriers to equitable participation, including barriers based on gender, race, and color, national origin, disability and age.

Title II, Part E—Advisory Committees

Section 251 repeals part D of GEPA which is provided for in another act.

Title II, Part F—Related Amendments to Other Acts

Section 261 amends the Department of Education Organization Act to move the Office of Private Education provision to a different place in GEPA.

Title II, Part G—Conforming Amendments

Section 271 makes conforming amendments to the Rehabilitation Act of 1973.

TITLE III—AMENDMENTS TO OTHER ACTS

Title III, Part A—Amendments to the Individuals with Disabilities Act

Section 311 amends section 611 of the Individuals with Disabilities Education Act (IDEA) to add provisions that help ensure that States are not adversely affected by the merger of the State agency chapter 1 handicapped program (chapter 1) with IDEA.

Section 312 adds a new section 614A, which authorizes States to treat State agencies as local educational agencies (LEA's) for the purpose of allocating Grants to States and Preschool Grants funds, provides State agency requirements for receiving funds, and exempts State agencies from the requirements of 611(c)(4) that apply to LEAs.

Section 313 amends section 684 to provide that $34 million of the funds appropriated in 1995 for Grants for Infants and Families be distributed based on a count of children served and to guarantee States for 1995–97 the amount they received for 1994 under both Grants for Infants and Families and chapter 1.

Title III, Part B—Amendments to the Stewart B. McKinney Homeless Assistance Act

Section 321 reauthorizes section 702 of the McKinney Act, which authorizes grants to State educational agencies for literacy training and academic remediation for homeless adults.

Section 322 reauthorizes the Education for Homeless Children and Youth program (sections 721–726 of the McKinney Act).

Section 721 is a statement of policy for the program, providing that each State must ensure that homeless individuals have access to a free, appropriate public education and that homelessness should not be a reason for separating students from the mainstream school environment.

Section 722 authorizes a program of formula grants to States for the education of homeless children and youth. The section describes mandated state activities, which include carrying out the Act's policies in the state; providing activities for and services to homeless children and youth that enable them to enroll in, attend, and succeed in school or preschool programs; establishing or designating an Office of Coordinator of Education of Homeless Children and Youth in the SEA; preparing and carrying out the State plan, and developing and implementing professional development programs for school personnel to heighten awareness of the needs of homeless children and youth. This section also describes allocation procedures, the functions of the State Coordinator of Education of

Homeless Children and Youth, and requirements for the State plan.

Section 723 authorizes States to make subgrants, from their formula grants, to local educational agencies on the basis of need for the purpose of facilitating the enrollment, attendance, and success in school of homeless children and youth. The section sets forth application requirements and authorized activities.

Section 724 requires the Secretary, in administering the Homeless Children and Youth program, to use to peer review process in considering State plans, to provide technical assistance to States, and to complete certain evaluations and reports.

Section 725 defines certain terms.

Section 726 authorizes appropriations of $30 million in FY 95 for the program.

Title III, Part C—Repeal of Impact Aid Statutes

Section 331 repeals two impact aid laws—P.L. 81–874 (for assistance to LEA's in areas affected by federal activities), and P.L. 81–815 (for school construction and facilities).

Title III, Part D—Other Acts

Section 341 repeals sections 231, 232, 234, and 235 of the Goals 2000: Educate America Act, which deal with educational technology. This section also amends sections 204 and 215 of the same act to authorize the National Goals Panel and the National Education Standards and Improvement Council to accept gifts.

Section 342 repeals title II of the Education Council Act of 1991, which authorized the National Writing Project.

Section 343 repeals title IV of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary Education School Improvement Amendments of 1988, which authorized the Native Hawaiian Education Program.

TITLE IV—MISCELLANEOUS

Section 401 requires that in documents transmitted to Congress explaining the President's budget request for the Special Education account, the Department of Education display amounts included in the request to offset the termination of the chapter 1 state operated program for the handicapped by III of the Improving America's Schools Act of 1994.

TITLE V

Title V of the bill contains the Workers Technology Skills Development Act (S. 1020). Title V would authorize the Department of Labor to make grants to nonprofit organizations to research, identify, and develop new and advanced workplace technologies and practices to promote the improvement of workers' skills, wages, working conditions and job security. Those organizations will, in turn, further disseminate such information to workers, workers organizations, employers, state industrial extension programs and manufacturing technology centers and provide technical assistance to further encourage the use of such technologies.

Over the past several years, there has been greater acknowledgment of and interest in the need to support industrial modernization. Limited resources have been directed to that goal primarily through the Technology Reinvestment Project (TRP) of the Department of Defense and the National Institute of Science and Technology of the Department of Commerce. However, there has been no federal government program specifically authorizing funds for the purpose of building the capacity of workers to become partners in the industrial modernization process. Worker involvement in modernization of the manufacturing workplace is necessary to ensure that skills enhancement of workers, their job security, empowerment and maintenance of high living standards for themselves and their families are appropriately addressed along with increased productivity and competitiveness. The Workers Technology Skills Development Act is a step in that direction.

History of the legislation and votes in committee

On May 25, 1993, "The Workers Technology Skills Development Act" was introduced as S. 1020 by Senator Wofford, on behalf of himself, Senator Kennedy and Senator Kerry and was referred to the Committee on Labor and Human Resources.

A hearing was held on S. 1020 before the Committee on Labor and Human Resources on July 1, 1993. At that hearing, Secretary of Labor Robert Reich testified on the need for a people-oriented technology which should enhance workers' skills and ensure that new technologies evolve and are adopted in the presence of a sustained commitment to job security, worker retraining, work reorganization, employee involvement and gainsharing.

In addition to Secretary Reich, other individuals representing both business and workers provided testimony in support of the legislation. These included:

Norman E. Garrity, Executive Vice President, Specialty Materials Group, Corning, Inc., Corning, NY and William N. Bronson, President Local 53G, Aluminum, Brick and Glass Workers International Union, Charleroi, Pennsylvania;

Paul Walters, Senior Vice President for Administration, Detroit Diesel Corp., Detroit, Michigan, and Jim Brown, Chairman, Local 163, United Automobile, Aerospace, and Agricultural Implement Workers of America, Detroit, Michigan; and

Charles Richardson, Director, Technology and Work Program, University of Massachusetts, Lowell, Massachusetts.

At or after the hearing, Senators Kassebaum, Harkin, and Mikulski joined in co-sponsoring the bill.

S. 1020 was brought up for mark-up at the full Committee on Labor and Human Resources on February 23, 1994. An amendment in the nature of a substitute, which clarified and simplified the bill was reported favorably from the Committee by a roll call vote of 17 to 0.

At the June 15 mark-up of the Elementary and Secondary Education Act, Senator Wofford proposed S. 1020 as a separate Title V to this Act. It was accepted by the Committee on a voice vote.

Background and need for the legislation

In recent years, there has been an increasing realization that small and medium manufacturers in the United States have lost their competitive edge in manufacturing technology. There has been a corresponding acknowledgment of the need for federal support of industrial modernization. Resources have been directed to that goal primarily through the Technology Reinvestment Project (TRP) of the Department of Defense and the National Institute of Science and Technology (NIST) of the Department of Commerce.

With passage of the National Competitiveness Act,[1] the Senate has recognized the need to assist and encourage employers in the manufacturing sector to learn about and adopt those advanced workplace technologies and practices which will build on and expand the skills and experience of production workers. Adoption of the best such strategies by the private sector should result in the creation of new jobs and the retention of existing manufacturing jobs with accompanying improvements in workers' skills, wages, working conditions and job security. However, even with passage and enactment of the National Competitiveness Act, there will still be no federal government program specifically authorizing funds for the purpose of building the capacity of workers and worker organizations to address technology issues. Technology can impact positively or adversely upon workers' skills and earnings capability. It can deskill workers and disempower them or it can increase workers' skills and be a source of empowerment. We should be ensuring that our national policy is to raise the job skills, working conditions, and living standards of our people. Workers should be involved in this process.

The Workers Skills Technology Development Act recognizes the importance of workers in advancing high performance strategies which will meet their needs and goals as well as those of their employers. The Committee has found that frequently the best ideas for identifying "best workplace practices" and the best strategies for implementing such practices in the workplace come from the workers themselves. Moreover, workers' concerns for skills enhancement, job security, true worker participation, a safe and healthy workplace and high living standards in the workplace of advanced technology are best addressed by workers themselves.

According to the July 26, 1993 Report of the Conference on the Future of the American Workplace, while "there are no accurate estimates of the number of companies that have taken the high-performance approach, most analysts agree the percentage is relatively small. "Workplace of the Future," A Report of the Conference of the American Workplace, July 26, 1993, U.S. Departments of Commerce and Labor at p. 3. But the need for employers and workers to address technological change in the workplace is ever constant and rapidly growing. As the Report found:

> The pace of technological change is accelerating. To keep up, workers must innovate continuously, redesigning their own jobs as well as products, manufacturing processes, and delivery systems.

---

[1] The Senate passed the National Competitiveness Act (S. 4) on March 16, 1994. *See Congressional Record*, Vol. 40, No. 29 at S3006.

BEST COPY AVAILABLE

"Report" at p. 2.

The Committee was fortunate to have several witnesses from high-performance workplaces testify as to their "best practices." Several joint labor-management teams testified as to their experiences in proposing and adopting advanced workplace practices and technology. For example, at the Corning Plant, in Charleroi, Pennsylvania, management and labor testified as to their success at achieving record-high productivity, quality, technological advancement, and employment. They did this by combining the introduction of new technology with the adoption of self-directed work teams, worker training in participation, group dynamics, problem-solving, and participation skills. Workers and management shared in the decision-making process and the responsibilities of their common enterprise. At Detroit Diesel Corporation, labor and management worked together on communications, planning, sharing input, and taking business risks. Workers are full participants in designing the technology which has allowed the company to develop advanced engine electronics and components to improve the combustion process. The results are impressive. The company's sales increased from $800 million in 1988 to projected sales of over $1.4 billion in 1993. Productivity has improved 30% from 1988 to 1992. Employment increased about 9%.

Moreover, witnesses such as Charles Richardson, Director of the Technology and Work Program at the University of Lowell in Massachusetts focused the Committee on the crucial issues involved in effective implementation of new technologies which include worker involvement. First, any measure of effectiveness must include not only technologies which improve quality, flexibility and productivity but also improve working conditions, job security, skills development and wages. Successful "effective" technologies should improve workers' lives. Second, workers need to be involved in the "front end" of the technology and as early as possible in the introduction of any technology in the workplace. True worker input means involvement in the design, development and implementation of technologies. Finally, involvement should include the ability of the workforce not only to respond to the employer's needs, but to take workers' needs and ideas be an essential part of the process.

The Workers Technology Skills Development Act is a modest step toward ensuring that workers are included in the development and deployment of new technology in the workplace. The Act, as contained in Title V, would authorize the Department of Labor to make grants to nonprofit organizations, particularly those formed by workers, to research, identify, and develop new and advanced workplace security, and working conditions and encourage worker participation in the development, commercialization, evaluation, selection, application and implementation of such technologies and practices in the workplace.

Section 503 contains the purposes of the Title. Its purposes are to improve the ability and expertise of workers and workers' organizations through education, training and related services, to recognize, develop, assess, and improve strategies for successfully integrating workers and their organizations in the process of evaluating, selecting and implementing advanced workplace technologies and practices and to assist workers to develop the expertise necessary to ensure worker participation with employers in the use of such technologies and practices.

Section 504 provides definitions of various terms used in the amendment.

Section 505 provides that certain non-profit organizations may apply for grants from the Secretary of Labor. It contains the procedures for applying for grants, delineates the kinds of activities appropriate under such grants, and specifies the terms applicable to such grants. The federal share of the grant will lessen in each of the years for which the grant is awarded.

Section 506 authorizes the Secretary of Labor, in consultation with the Secretary of Commerce, to assist workers, workers' organizations and employers in adopting and disseminating information about best workplace technologies and practices.

Section 507 authorizes the appropriation of available funds to carry out the Act.

VII. ADDITIONAL VIEWS OF SENATOR DAVE DURENBERGER ON S. 1513—IMPROVING AMERICA'S SCHOOLS ACT

I'm pleased to join an almost unanimous committee in favorably reporting the Improving America's Schools Act. It is my hope that we can continue our strong bipartisan support as this legislation moves to the Senate floor and on to conference with the House.

While this legislation authorizes significant increases in funding for some Federal education programs, it also recognizes the reality that a majority of direction and financing for this country's elementary and secondary schools will continue to come from State and local sources. It also affirms the notion that Federal education programs and funding must support school reform initiatives that are designed and carried out at the State and local level.

Other than next year's appropriations, this bill represents the last major piece of education legislation we will consider in a Congress that has already done an incredible amount of work in this area—by reauthorizing Head Start and by crafting four major new initiatives: direct lending, national and community service, "Goals 2000," and the School to Work Opportunities Act. I am proud to have been deeply involved in all these major bipartisan initiatives.

I am very concerned that we will lose this bipartisan support if we decide to include input oriented requirements like opportunity to learn standards in this legislation. As I said when we were debating the Goals 2000 bill—my preference would be to strike opportunity to learn standards from Federal education legislation entirely. At a minimum, they should be available on a voluntary basis for States to choose from when attempting to address inequities and deficiencies.

My own State of Minnesota tells me that they have begun to develop opportunity to learn standards—they also tell me that they strongly oppose a mandate from the Federal Government requiring that they develop such standards.

A common set of inputs will not result in equity for children. The growing diversity of our classrooms and communities requires a corresponding diverse array of teaching and learning environments designed by each community rather than by the Federal Government.

CHARTER SCHOOL PROGRAM SUPPORTS STATE REFORM INITIATIVES

One provision in this legislation that deserves special mention, is a new $15.0 million public charter schools grant program. I'm particularly pleased that the committee has agreed to accept my proposed changes to this program which will ensure that all charter schools throughout the country will be eligible for grants.

Charter schools have now been authorized in nine States (Minnesota, California, Colorado, Massachusetts, Georgia, New Mexico, Wisconsin, Michigan, and Kansas). In addition, Governors and legislators in a dozen or more other States are actively considering legislation to authorize charter schools.

Charter schools are public schools that are frequently exempt from input-oriented mandates, but are still accountable to a public agency through a contract that commits the schools to achieving specified academic or other results. Although the State laws all vary, charter schools must also be nonsectarian, may not charge tuition, and may not discriminate in admitting students.

The new grant program is based in part on S. 429 and H.R. 1113, the "Public School Redefinition Act," a charter school grant proposal that I introduced in February 1993 along with a bi-partisan group of Senators and Representatives that include Senators Joseph Lieberman, Bob Kerrey, and Slade Gorton and Representatives Dave McCurdy, Tom Petri, Tim Penny, and Tom Ridge. It also enjoys bi-partisan support on the Labor Committee, including support from Senator Kennedy and from Senator Bingaman who has made several suggestions for improvement in this new program which I am pleased were also accepted.

HOUSE BILL LIMITS CHARTERING AUTHORITY TO LOCAL SCHOOL DISTRICTS

During its consideration of ESEA, the House retained the administration's proposal for the new charter school grant program with one very important change—a requirement that charter schools receiving grants be authorized and in partnership with their local school district.

The House requirement that charter schools be authorized by local school districts is of particular concern to charter schools proponents in Massachusetts, Michigan, and New Mexico. In those three States, some or all charter schools would not be eligible for Federal grants under the House bill since they may be chartered by public bodies other than local school districts.

In addition, Minnesota and California make it possible for State or county boards of education to charter schools "on appeal" if they are turned down at the local level.

And, a number of States are considering bills with other chartering authorities. For example, legislation adding post-secondary education institutions as possible chartering authorities passed the Minnesota Senate this year, but was not included in the final education conference committee agreement.

SENATE BILL NOW EXPANDS STATE ROLE, FLEXIBILITY

To make sure that all charter schools are eligible for grants under this new program, my proposal does two important things:

First, it allows the Secretary of Education to make grants to States or, if States do not participate in the program, directly to charter schools.

One goal of this change is to encourage States to adopt charter school laws. Hopefully, having authority to administer the program and award grants would also encourage States to put their own funds into this program. If encouraged in this manner, I believe that States will be more likely to promote the charter idea and offer technical assistance to groups of parents, teachers or others who are interested in starting a charter school in their community.

This change is also consistent with the "Goals 2000" legislation under which States make sub-grants to districts and schools for local reform initiatives. By placing the State in the grant-making role, a charter school program could be better integrated with other State/local initiatives funded by "Goals 2000" that are designed to meet the education goals and standards each State is pursuing.

It is important to note that if a State decides not to participate in the program, individual schools will still be able to apply for grants directly from the Secretary.

Second, it sends a clear message that States are to decide who may charter schools.

The Federal Government must not dictate to States *how* charter schools should emerge as a part of systemic reform. With that in mind, my proposal allows schools receiving grants to be chartered by "a State education agency, local education agency, or other public entity that has the authority pursuant to State law to authorize or approve a charter school."

Beyond these two changes, my proposal adds several "allowable uses" for grants that schools receive, including minor renovation or remodeling needed to meet health and safety codes. And, my proposal explicitly allows States to set up a revolving loan fund to make cash flow loans to new charter schools for their initial operations. These loans would have to be paid back once regular operating funding from State and local sources begins to flow to the charter school.

The proposal also authorizes the Secretary to engage in capacity building activities including developing and disseminating model State charter school laws and model contracts between schools and their sponsors; to collect and disseminate information on successful charter schools; and to use conferences, publications and telecommunications and other means to share ideas and information about charter schools.

Overall, my charter schools proposal follows an important principle about the role of various levels of government in education reform: The National Government should be providing overall leadership to education reform initiatives, but should defer to the States on how to authorize the elements of reform that are best designed and carried out by each local community.

The changes this committee has made—and the differences they represent with the bill already passed by the House—go to the very heart of charter schools and the potential they represent in the larger picture of reform.

That's why I intend to monitor this issue very closely in conference. And, if—when we get to conference with the House—we aren't willing to let States decide how to allow charter schools to emerge—I strongly believe we'd be better off with no federal grant program, at all.

OTHER ISSUES

I also intend to monitor several of the bill's more controversial provisions as we move to the floor and toward a conference committee agreement with the House.

Certainly, the most controversial of those provisions is the distribution formula we end up approving for the chapter 1 program.

I have already noted my general support for the goal of targeting scarce Federal resources on low income students and schools where they are concentrated. In an era of scarce resources and growing needs, it's hard to argue against that goal.

At the same time, I'm very aware of the impact that any formula change will have on schools and students in "losing districts." And, I'm particularly concerned about the impact that such changes could have on similar districts in hard-pressed rural areas.

Another issue I'll be watching closely is the extent to which Federal funding is allowed to follow otherwise eligible students who choose a public school other than the one they are assigned by virtue of their place of residence.

This issue has come up, for example, in some States that have charter schools. Our goal should be to make sure that charter schools receive whatever Federal aid and grants the same mix of students would be eligible for in a more traditional public school in the same community.

The relevance of this issue varies somewhat depending on how autonomous charter schools are under State law. In Minnesota, for example, charter schools are eligible for grants and categorical aids as if they were independent school districts. In other States, charter schools are more dependent on their chartering districts and must negotiate access to Federal grants or the chapter 1 or other categorical programs.

Although this issue wasn't addressed in the charter schools amendment I offered, there may be a need to clarify the eligibility of charter schools for chapter 1 and other categorical programs if we find over time that otherwise eligible schools or students aren't receiving the funds they are entitled to.

I should note that a GAO study Senator Kennedy and I requested on both charter schools and site-based management is currently reviewing this issue in more depth and I'm hopeful that the results of that study will offer guidance on the degree to which this is a problem that needs to be addressed, either through Federal legislation, through greater flexibility in administering chapter 1 and other programs, or through policy changes at the State or local level.

One final issue I'm continuing to work on involves support for grassroots, community-based organizations like the Dollars for Scholars Program, that promote academic excellence through scholarships for graduating high school seniors.

Senator Kennedy and I have previously introduced legislation to help more communities organize local scholarship programs and provide other support to their own students who go on to college.

Although I continue to be a strong supporter of the Pell Grant and Guaranteed Student Loan programs, I also believe it's a wise investment to support private sector activity that promotes and rewards solid academic achievement. Before it's signed, I'm hopeful we will find a way to make helping to achieve that goal a part of this bill, as well.

Let me repeat what I said earlier about how proud I am of what's already been accomplished in this Congress to enhance the role the education can play in positioning this nation for the twenty-first century.

I recognize that achieving that goal will depend mainly on the efforts and success of parents, teachers and local communities all over America. We at the national level can make our biggest contributions by supporting and encouraging those grassroots initiatives and—when Federal laws and rules interfere—by getting out of the way.

If we are able to maintain that careful balance—and a real deference to States and to local communities—the Federal Government can be an effective partner in promoting real education reform.

VIII. MINORITY VIEWS OF SENATOR DAN COATS

Before the markup of S. 1513 by the full committee, I had intended to vote to report the bill, as I did in the Education Subcommittee. I believe S. 1513 as a whole represents a significant commitment to education—a commitment that is shared on a bipartisan basis, and I appreciate the work of Senators Kennedy, Pell, Kassebaum and Jeffords in seeking to gain consensus.

However, I was prompted to vote against the bill by the adoption of an amendment which further erodes the authority and flexibility of States in making education decisions. In the committee markup, Senator Wellstone offered an amendment to require States to develop opportunity-to-learn (OTL) standards. After this amendment was defeated by a vote of 13 to 4, substitute language offered by Chairman Kennedy was agreed to by voice vote. While the substitute amendment is less stringent than the Wellstone amendment, it represents another step in the direction of requiring States to implement opportunity-to-learn standards.

Opportunity-to-learn standards represent a radical departure from the traditional role of the Federal Government in education. They have been defined as the conditions of teaching and learning necessary for all students to have a fair opportunity to learn. The definition itself raises very serious questions—what conditions will these standards dictate to States and localities? The size of their classes? The amount of money they must spend per pupil? The ratio of pupils to teachers? Such standards focus on the equalization of inputs rather than student progress and achievement, not to mention the financial burdens they impose on States and localities.

Opportunity-to-learn standards are so controversial that in a March 1994 letter to Governor Carroll Campbell of South Carolina, President Clinton made clear his conviction that these standards should not be a part of the Elementary and Secondary Education Act (ESEA): "Both the Department of Education and my staff here at the White House will work vigorously at every stage of the legislative process to ensure that when the ESEA reaches my desk, it does not contain opportunity-to-learn standards." Despite these assurances, S. 1513 now includes such standards.

However well-intentioned they may be, OTL standards have the potential to expose States and local communities to numerous school finance lawsuits because they will be unable to meet what the Federal Government determines to be ideal conditions.

In a hearing before the National Council on Education Standards and Testing (NCEST), member Jonathan Wilson argued that even voluntary standards can create more work for attorneys. He states:

> You can say that it's [standards for schools] voluntary, but it won't be. I'm a lawyer, and it sounds to me like you're coming in my direction. * * * All I need from you to get

> me into court that I don't have now is standards. Because I have got State law that constitutionally says that you have got to provide adequate education, and the thing that keeps me from going to court is, I don't have a measure for what that is. You give it to me, and I'll get things required—not voluntary. * * * I see this as the lawyers' civil relief act.

It is critical that we carefully consider the ramifications of opportunity-to-learn standards before enacting them into law. They are controversial by nature, and their inclusion in S. 1513 threatens the bipartisan cooperation we have enjoyed to this point.

While opportunity-to-learn standards are a provision I would prefer to see excluded from S. 1513, there are issues the bill does not address which I believe we have an obligation to consider—issues of school choice and fundamental rights to prayer. However, there will be an opportunity for thorough discussion of these issues when the full Senate considers the legislation.

My apprehension about the implications of the opportunity-to-learn amendment offered in the committee markup led me to oppose S. 1513 in committee. It is my hope that we will be able to resolve this issue on the floor of the Senate so we may pursue our mutual goal of improving our Nation's schools.

IX. CHANGES IN EXISTING LAW

In compliance with rule XXVI paragraph 12 of the Standing Rules of the Senate, the following provides a print of the statute or the part or section thereof to be amended or replaced (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

[Sec. 1. Short title.

[TITLE I—BASIC PROGRAMS

[CHAPTER 1—FINANCIAL ASSISTANCE TO MEET SPECIAL EDUCATIONAL NEEDS OF CHILDREN

[Sec. 1001. Declaration of policy and statement of purpose.

[PART A—BASIC PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES

[SUBPART 1—ALLOCATIONS

[Sec. 1005. Basic grants.
[Sec. 1006. Grants for local educational agencies in counties with especially high concentrations of children from low-income families.

[SUBPART 2—BASIC PROGRAM REQUIREMENTS

[Sec. 1011. Uses of funds.
[Sec. 1012. Assurances and applications.
[Sec. 1013. Eligible schools.
[Sec. 1014. Eligible children.
[Sec. 1015. Schoolwide projects.
[Sec. 1016. Parental involvement.
[Sec. 1017. Participation of children enrolled in private schools.
[Sec. 1018. Fiscal requirements.
[Sec. 1019. Evaluations.

[Sec. 1020. State educational program improvement plan.
[Sec. 1021. Program improvement.

[PART B—EVEN START PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES

[Sec. 1051. Statement of purpose.
[Sec. 1052. Program authorization.
[Sec. 1053. Allocation.
[Sec. 1054. Use of funds.
[Sec. 1055. Eligible participants.
[Sec. 1056. Applications.
[Sec. 1057. Award of grants.
[Sec. 1058. Evaluation.
[Sec. 1059. Authorization of appropriations.

[PART C—SECONDARY SCHOOL PROGRAMS FOR BASIC SKILLS IMPROVEMENT AND DROPOUT PREVENTION AND REENTRY

[Sec. 1101. Purpose.
[Sec. 1102. Allocation.
[Sec. 1103. Uses of funds.
[Sec. 1104. Applications.
[Sec. 1105. Award of grants.
[Sec. 1106. Reports; development of information base.
[Sec. 1107. Coordination and dissemination.
[Sec. 1108. Fiscal requirements and coordination provisions.
[Sec. 1109. Evaluation.
[Sec. 1110. Definition of secondary school completion rate.
[Sec. 1111. Authorization of appropriations.

[PART D—PROGRAMS OPERATED BY STATE AGENCIES

[SUBPART 1—PROGRAMS FOR MIGRATORY CHILDREN

[Sec. 1201. Grants—entitlement and amount.
[Sec. 1202. Program requirements.
[Sec. 1203. Coordination of migrant education activities.

[SUBPART 2—PROGRAMS FOR HANDICAPPED CHILDREN

[Sec. 1221. Amount and eligibility.
[Sec. 1222. Program requirements.
[Sec. 1223. Uses of funds.
[Sec. 1224. Service and program applications.
[Sec. 1225. Eligible children.
[Sec. 1226. Federal monitoring requirement.

[SUBPART 3—PROGRAMS FOR NEGLECTED AND DELINQUENT CHILDREN

[Sec. 1241. Amount and entitlement.
[Sec. 1242. Program requirements.
[Sec. 1243. Transition services.
[Sec. 1244. Definitions.

[SUBPART 4—GENERAL PROVISIONS FOR STATE OPERATED PROGRAMS

[Sec. 1291. Reservation of funds for territories.
[Sec. 1292. Dual eligibility for programs.

[PART E—PAYMENTS

[Sec. 1401. Payment methods.
[Sec. 1402. Amount of payments to local educational agencies.
[Sec. 1403. Adjustments where necessitated by appropriations.
[Sec. 1404. Payments for State administration.
[Sec. 1405. Funds for the implementation of school improvement programs.
[Sec. 1406. Limitation on grant to the Commonwealth of Puerto Rico.

[PART F—GENERAL PROVISIONS

[SUBPART 1—FEDERAL ADMINISTRATION

[Sec. 1431. Federal regulations.
[Sec. 1432. Availability of appropriations.

[Sec. 1433. Withholding of payments.
[Sec. 1434. Judicial review.
[Sec. 1435. Evaluation.
[Sec. 1436. Coordination of Federal, State, and local administration.
[Sec. 1437. Authorization of appropriations for evaluation and technical assistance.
[Sec. 1438. Application of General Education Provisions Act.
[Sec. 1439. National Commission on Migrant Education.

[SUBPART 2—STATE ADMINISTRATION

[Sec. 1451. State regulations.
[Sec. 1452. Records and information.
[Sec. 1453. Assignment of personnel.
[Sec. 1454. Prohibition regarding State aid.

[SUBPART 3—RURAL EDUCATIONAL OPPORTUNITIES

[Sec. 1456. Program authorized.
[Sec. 1457. Application priority requirements.
[Sec. 1458. Coordination, dissemination, and report.
[Sec. 1459. Authorization of appropriations.

[SUBPART 4—STUDIES

[Sec. 1461. Report on State and local evaluations.
[Sec. 1462. National study on effect of programs on children.
[Sec. 1463. Authorization of appropriations.

[SUBPART 5—DEFINITIONS

[Sec. 1471. Definitions.

[SUBPART 6—MISCELLANEOUS PROVISIONS

[Sec. 1491. Transition provisions.

[CHAPTER 2—FEDERAL, STATE, AND LOCAL PARTNERSHIP FOR EDUCATIONAL IMPROVEMENT

[Sec. 1501. Findings and statement of purpose.
[Sec. 1502. Authorization of appropriations; duration of assistance.

[PART A—STATE AND LOCAL PROGRAMS

[SUBPART 1—GENERAL PROVISIONS

[Sec. 1511. Allotment to States.
[Sec. 1512. Allocation to local educational agencies.

[SUBPART 2—STATE PROGRAMS

[Sec. 1521. State uses of funds.
[Sec. 1522. State applications.

[SUBPART 3—LOCAL TARGETED ASSISTANCE PROGRAMS

[Sec. 1531. Targeted use of funds.
[Sec. 1532. Authorized activities.
[Sec. 1533. Local application.

[SUBPART 4—EFFECTIVE SCHOOLS PROGRAMS

[Sec. 1541. Establishment.
[Sec. 1542. Effective schools.

[PART B—NATIONAL PROGRAMS AND ACTIVITIES

[Sec. 1561. General authority.
[Sec. 1562. National Diffusion Network activities.
[Sec. 1563. Inexpensive Book Distribution program for reading motivation.
[Sec. 1564. Arts in education program.
[Sec. 1565. Law-related education program.
[Sec. 1566. Blue Ribbon Schools program.

[PART C—GENERAL ADMINISTRATIVE PROVISIONS

[Sec. 1571. Maintenance of the effort; Federal funds supplementary.

[Sec. 1572. Participation of children enrolled in private schools.
[Sec. 1573. Evaluations and reporting.
[Sec. 1574. Federal administration.
[Sec. 1575. Application of General Education Provisions Act.
[Sec. 1576. Transition provisions.

[TITLE II—CRITICAL SKILLS IMPROVEMENT

[PART A—DWIGHT D. EISENHOWER MATHEMATICS AND SCIENCE EDUCATION ACT

[Sec. 2001. Short title.
[Sec. 2002. Statement of purpose.

[SUBPART 1—STATE GRANTS AND NATIONAL PROGRAMS

[Sec. 2003. Program authorized.
[Sec. 2004. Allocation of funds.
[Sec. 2005. In-State apportionment.
[Sec. 2006. Elementary and secondary education programs.
[Sec. 2007. Higher education programs.
[Sec. 2008. State application.
[Sec. 2009. Local application.
[Sec. 2010. Participation of children and teachers from private schools.
[Sec. 2011. Federal administration.
[Sec. 2012. National programs.

[SUPPART 2—REGIONAL MATHEMATICS AND SCIENCE EDUCATION CONSORTIUMS

[Sec. 2016. Program established.
[Sec. 2017. Use of funds.
[Sec. 2018. Application and review.
[Sec. 2019. Regional boards.
[Sec. 2020. Payments; Federal share; non-Federal share.
[Sec. 2021. Evaluation.
[Sec. 2022. Definitions.
[Sec. 2023. Authorization of appropriations.

[PART C—GENERAL PROVISIONS

[Sec. 2031. Definitions.

[PART B—FOREIGN LANGUAGES ASSISTANCE

[Sec. 2101. Short title.
[Sec. 2102. Findings.
[Sec. 2103. Program authorized.
[Sec. 2104. Allotments.
[Sec. 2105. Definitions.
[Sec. 2106. Authorization of appropriations.

[PART C—PRESIDENTIAL AWARDS FOR TEACHING EXCELLENCE IN FOREIGN LANGUAGES

[Sec. 2201. Presidential awards.
[Sec. 2202. Administrative provisions.

[TITLE III—MAGNET SCHOOLS ASSISTANCE

[Sec. 3001. Authorization of appropriations; reservation.
[Sec. 3002. Eligibility.
[Sec. 3003. Statement of purpose.
[Sec. 3004. Program authorized.
[Sec. 3005. Definition.
[Sec. 3006. Uses of funds.
[Sec. 3007. Applications and requirements.
[Sec. 3008. Special consideration.
[Sec. 3009. Prohibitions.
[Sec. 3010. Limitation on payments.
[Sec. 3011. Payments.
[Sec. 3012. Withholding.

[TITLE IV—SPECIAL PROGRAMS

[PART A—WOMEN'S EDUCATIONAL EQUITY

[Sec. 4001. Short title; findings and statement of purpose.
[Sec. 4002. Program authorized.
[Sec. 4003. Application; participation.
[Sec. 4004. Challenge grants.
[Sec. 4005. Criteria and priorities.
[Sec. 4006. Reports, evaluation, and dissemination.
[Sec. 4007. Authorization of appropriations.

[PART B—GIFTED AND TALENTED CHILDREN

[Sec. 4101. Short title.
[Sec. 4102. Findings and purposes.
[Sec. 4103. Definitions.
[Sec. 4104. Authorized programs.
[Sec. 4105. Program priorities.
[Sec. 4106. Participation of private school children and teachers.
[Sec. 4107. Administration.
[Sec. 4108. Authorization of appropriations.

[PART C—ALLEN J. ELLENDER FELLOWSHIP PROGRAM

[Sec. 4301. Findings.

[SUBPART 1—PROGRAM FOR SECONDARY SCHOOL STUDENTS AND TEACHERS

[Sec. 4311. Establishment.
[Sec. 4312. Applications.

[SUBPART 2—PROGRAMS FOR OLDER AMERICANS AND RECENT IMMIGRANTS

[Sec. 4321. Establishment.
[Sec. 4322. Applications.

[SUBPART 3—GENERAL PROVISIONS

[Sec. 4331. Administrative provisions.
[Sec. 4332. Authorization of appropriations.

[PART D—IMMIGRANT EDUCATION

[Sec. 4401. Short title.
[Sec. 4402. Definitions.
[Sec. 4403. Authorizations and allocation of appropriations.
[Sec. 4404. State administrative costs.
[Sec. 4405. Withholding.
[Sec. 4406. State entitlements.
[Sec. 4407. Uses of funds.
[Sec. 4408. Applications.
[Sec. 4409. Payments.
[Sec. 4410. Reports.

[PART E—TERRITORIAL ASSISTANCE

[Sec. 4501. General assistance for the Virgin Islands.
[Sec. 4502. Territorial teacher training assistance.

[PART F—SECRETARY'S FUND FOR INNOVATION IN EDUCATION

[Sec. 4601. Program authorized.
[Sec. 4602. Optional tests for academic excellence.
[Sec. 4603. Technology education.
[Sec. 4604. Programs for computer-based education.
[Sec. 4605. Programs for the improvement of comprehensive school health education.
[Sec. 4606. Alternative curriculum schools.
[Sec. 4607. Innovative alcohol abuse education programs.
[Sec. 4608. National geography studies centers.

[Sec. 4609. Instruction of the history and principles of democracy in the United States.
[Sec. 4610. Authorization of appropriations.

[Part G—Ready to Learn Television

[Sec. 4701. Ready to learn.
[Sec. 4702. Educational programming.
[Sec. 4703. Duties of Secretary.
[Sec. 4704. Applications.
[Sec. 4705. Reports and evaluation.
[Sec. 4706. Authorization of appropriations.
[Sec. 4707. Administrative costs.
[Sec. 4708. Definition.

[TITLE V—DRUG EDUCATION

[Sec. 5101. Short title.
[Sec. 5102. Findings.
[Sec. 5103. Purpose.

[Part A—Financial Assistance for Drug Abuse Education and Prevention Programs

[Sec. 5111. Authorization of appropriations.
[Sec. 5112. Reservations and State allotments.

[Part B—State and Local Programs

[Sec. 5121. Use of allotments by States.
[Sec. 5122. State programs.
[Sec. 5123. State applications.
[Sec. 5124. Responsibilities of State educational agencies.
[Sec. 5125. Local drug abuse education and prevention programs.
[Sec. 5126. Local applications.
[Sec. 5127. State reports.

[Part C—National Programs

[Sec. 5131. Grants to institutions of higher education.
[Sec. 5132. Federal activities.
[Sec. 5133. Programs for Indian youth.
[Sec. 5134. Programs for Hawaiian natives.
[Sec. 5135. Regional centers.

[Part D—General Provisions

[Sec. 5141. Definitions.
[Sec. 5142. Functions of the Secretary of Education.
[Sec. 5143. Participation of children and teachers from private nonprofit schools.
[Sec. 5144. Materials.

[Part E—Miscellaneous Provisions

[Sec. 5191. Indian education programs.
[Sec. 5192. Transition.

* * * * * * *

[TITLE VII—BILINGUAL EDUCATION PROGRAMS

[Sec. 7001. Short title.
[Sec. 7002. Policy; appropriations.
[Sec. 7003. Definitions; regulations.

[Part A—Financial Assistance for Bilingual Education Programs

[Sec. 7021. Bilingual education programs.
[Sec. 7022. Indian children in schools.

[Part B—Data Collection, Evaluation, and Research

[Sec. 7031. Use of funds.
[Sec. 7032. Grants for State programs.
[Sec. 7033. Program evaluation requirements.
[Sec. 7034. Evaluation assistance centers.

[Sec. 7035. Research.
[Sec. 7036. Coordination of research.
[Sec. 7037. Education statistics.

[PART C—TRAINING AND TECHNICAL ASSISTANCE

[Sec. 7041. Use of funds.
[Sec. 7042. Multifunctional resource centers.
[Sec. 7043. Fellowships.
[Sec. 7044. Priority.
[Sec. 7045. Stipends.

[PART D—ADMINISTRATION

[Sec. 7051. Office of Bilingual Education and Minority Languages Affairs.
[Sec. 7052. Limitation of authority.

[PART E—TRANSITION

[Sec. 7063. Transition.

[TITLE X—GENERAL PROVISIONS

[Sec. 8001. Definitions.
[Sec. 8002. Federal administration.
[Sec. 8003. Waiver of requirements for certain jurisdictions.
[Sec. 8004. Limitation on payments under this Act.
[Sec. 8005. Open meetings of educational agencies.
Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—HELPING CHILDREN IN NEED MEET HIGH STANDARDS

Sec. 1001. Declaration of policy and statement of purpose.
Sec. 1002. Authorization of appropriations.

"PART A—MAKING HIGH-POVERTY SCHOOLS WORK

"SUBPART 1—BASIC PROGRAM REQUIREMENTS

Sec. 1111. State plans.
Sec. 1112. Local educational agency plans.
Sec. 1113. Eligible school attendance areas.
Sec. 1114. Schoolwide programs.
Sec. 1115. Targeted assistance schools.
Sec. 1116. Parental involvement.
Sec. 1117. Participation of children enrolled in private schools.
Sec. 1118. Assessment and local educational agency and school improvement.
Sec. 1119. State assistance for schools support and improvement.
Sec. 1120. Fiscal requirements.

SUBPART 2—ALLOCATIONS

Sec. 1121. Grants for the outlying areas and the Secretary of the Interior.
Sec. 1122. Allocations to States.
Sec. 1123. Grants to States.
Sec. 1124. Within State allocations.

PART B—TRANSITION TO SUCCESS

Sec. 1201. Transition to success.
Sec. 1202. Coordination requirements.
Sec. 1203. Definitions.

PART C—EVEN START FAMILY LITERACY PROGRAMS

Sec. 1301. Statement of purpose.
Sec. 1302. Program authorized.
Sec. 1303. State programs.
Sec. 1304. Uses of funds.
Sec. 1305. Program elements.
Sec. 1306. Eligible participants.
Sec. 1307. Applications.
Sec. 1308. Award of subgrants.
Sec. 1309. Evaluation.
Sec. 1310. Construction.

PART D—EDUCATION OF MIGRATORY CHILDREN

Sec. 1401. Program purpose.
Sec. 1402. Program authorized.
Sec. 1403. State allocations.
Sec. 1404. State applications; services.
Sec. 1405. Secretarial approval; peer review.
Sec. 1406. Comprehensive needs assessment and service-delivery plan; authorized activities.
Sec. 1407. Bypass.
Sec. 1408. Coordination of migrant education activities.

PART E—EDUCATION FOR NEGLECTED AND DELINQUENT YOUTH

Sec. 1501. Purpose; program authorized.
Sec. 1502. Eligibility.
Sec. 1503. Allocation of funds.
Sec. 1504. State reallocation of funds.
Sec. 1505. State plan and State agency applications.
Sec. 1506. Use of funds.
Sec. 1507. Institution-wide projects.
Sec. 1508. Three-year projects.
Sec. 1509. Program evaluations.
Sec. 1510. Transition services.
Sec. 1511. Definitions.

PART F—FEDERAL EVALUATIONS AND DEMONSTRATIONS

Sec. 1601. Evaluations.
Sec. 1602. Demonstrations of innovative practices.

PART G—GENERAL PROVISIONS

Sec. 1701. Federal regulations.
Sec. 1702. State administration.
Sec. 1703. Construction.

TITLE II—IMPROVING TEACHING AND LEARNING

PART A—DWIGHT D. EISENHOWER PROFESSIONAL DEVELOPMENT PROGRAM

Sec. 2101. Findings.
Sec. 2102. Purposes.
Sec. 2103. Authorization of appropriations; allocation between subparts.

SUBPART 1—FEDERAL ACTIVITIES

Sec. 2111. Program authorized.
Sec. 2112. Authorized activities.
Sec. 2113. Eisenhower National Clearinghouse for Mathematics and Science Education.
Sec. 2114. National Teacher Training Project.

SUBPART 2—STATE AND LOCAL ACTIVITIES

Sec. 2121. Program authorized.
Sec. 2122. Allocation of funds.
Sec. 2123. Within State allocations.
Sec. 2124. Priority for professional development in mathematics and science.
Sec. 2125. State applications.
Sec. 2126. State level activities.
Sec. 2127. Local educational agency applications.
Sec. 2128. Local cost-sharing.
Sec. 2129. Local allocation of funds and allowable activities.
Sec. 2130. Higher education activities.
Sec. 2131. Consortium requirement.

SUBPART 3—PROFESSIONAL DEVELOPMENT DEMONSTRATION PROJECT

Sec. 2141. Findings and purpose.
Sec. 2142. Demonstration program authorized.
Sec. 2143. Grants.
Sec. 2144. Plan.
Sec. 2145. Technical assistance.
Sec. 2146. Matching funds.

SUBPART 4—GENERAL PROVISIONS

Sec. 2151. Reporting and accountability.
Sec. 2152. Definitions.

PART B—NATIONAL WRITING PROJECT

Sec. 2201. Short title.
Sec. 2202. Findings.
Sec. 2203. National Writing Project.

PART C—SUPPORT AND ASSISTANCE FOR ESEA PROGRAMS

SUBPART 1—COMPREHENSIVE REGIONAL CENTERS

Sec. 2301. Findings.
Sec. 2302. Purpose.
Sec. 2303. Program authorized.
Sec. 2304. Eligible entities.
Sec. 2305. Comprehensive regional centers.
Sec. 2306. Information collection and evaluation.
Sec. 2307. Transition.
Sec. 2308. Authorization of appropriations.

SUBPART 2—NATIONAL DIFFUSION NETWORK

Sec. 2311. Program authorized.
Sec. 2312. Authorization of appropriations.

SUBPART 3—EISENHOWER REGIONAL MATHEMATICS AND SCIENCE EDUCATION CONSORTIUMS

Sec. 2321. Program established.
Sec. 2322. Use of funds.
Sec. 2323. Application and review.
Sec. 2324. Regional boards.
Sec. 2325. Payments; Federal share; non-Federal share.
Sec. 2326. Evaluation.
Sec. 2327. Definitions.
Sec. 2328. Authorization of appropriations.

PART D—TERRITORIAL TEACHER TRAINING PROGRAM

Sec. 2401. Territorial teacher training program.

PART E—TELECOMMUNICATIONS DEMONSTRATION PROJECT FOR MATHEMATICS

Sec. 2501. Project authorized.
Sec. 2502. Application required.
Sec. 2503. Authorization of appropriations.

TITLE III—TECHNOLOGY FOR EDUCATION

Sec. 3001. Short title.

PART A—EDUCATIONAL TECHNOLOGY FOR ALL STUDENTS

Sec. 3111. Findings.
Sec. 3112. Statement of purpose.
Sec. 3113. Definitions.

SUBPART 1—NATIONAL PROGRAMS IN TECHNOLOGY FOR EDUCATION

Sec. 3121. Purposes.
Sec. 3122. Federal leadership.
Sec. 3123. Regional technical support and professional development.
Sec. 3124. Educational technology product development.
Sec. 3125. Research on educational applications of advanced technologies.
Sec. 3126. High performance educational computing and telecommunications networks.
Sec. 3127. Study, evaluation and report of funding alternatives.

SUBPART 2—STATE AND LOCAL PROGRAMS FOR SCHOOL TECHNOLOGY RESOURCES, TECHNICAL SUPPORT, AND PROFESSIONAL DEVELOPMENT

Sec. 3131. Statement of purpose.
Sec. 3132. School technology resource grants.

SUBPART 3—SPECIAL RULE APPLICABLE TO APPROPRIATIONS

Sec. 3141. Special rule.

PART B—STAR SCHOOLS PROGRAM

Sec. 3201. Short title.
Sec. 3202. Purpose.
Sec. 3203. Grants authorized.
Sec. 3204. Eligible telecommunications partnerships.
Sec. 3205. Applications.
Sec. 3206. Leadership and evaluation activities.
Sec. 3207. Administrative provisions.
Sec. 3208. Other assistance.
Sec. 3209. Definitions.

PART C—READY-TO-LEARN TELEVISION

Sec. 3301. Ready-to-learn.
Sec. 3302. Educational programming.
Sec. 3303. Duties of Secretary.
Sec. 3304. Applications.
Sec. 3305. Reports and evaluation.
Sec. 3306. Administrative costs.
Sec. 3307. Definition.
Sec. 3308. Authorization of appropriations.

PART D—ELEMENTARY MATHEMATICS AND SCIENCE EQUIPMENT PROGRAM

Sec. 3401. Short title.
Sec. 3402. Statement of purpose.
Sec. 3403. Program authorized.
Sec. 3404. Allotments of funds.
Sec. 3405. State application.
Sec. 3406. Local application.
Sec. 3407. Program requirements.
Sec. 3408. Federal administration.
Sec. 3409. Authorization of appropriations.

PART E—ELEMENTARY AND SECONDARY SCHOOL LIBRARY MEDIA RESOURCES PROGRAM

Sec. 3501. Program authorized.
Sec. 3502. Funding requirements.
Sec. 3503. State plans.
Sec. 3504. Distribution of allocation to local educational agencies.

PART F—BUDDY SYSTEM COMPUTER EDUCATION

Sec. 3601. Short title.
Sec. 3602. Purpose.
Sec. 3603. Grant authorization.
Sec. 3604. Program requirements.
Sec. 3605. Applications.
Sec. 3606. Use of funds.
Sec. 3607. Evaluation.
Sec. 3608. Authorization of appropriations.

TITLE IV—MAGNET SCHOOLS ASSISTANCE

Sec. 4101. Findings.
Sec. 4102. Statement of purpose.
Sec. 4103. Program authorized.
Sec. 4104. Definition.
Sec. 4105. Eligibility.
Sec. 4106. Applications and requirements.
Sec. 4107. Priority.
Sec. 4108. Use of funds.
Sec. 4109. Prohibitions.
Sec. 4110. Limitation on payments.
Sec. 4111. Innovative programs.
Sec. 4112. Authorization of appropriations; reservation.

TITLE V—BETTER SCHOOLS FOR AMERICA

PART A—SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES

Sec. 5101. Findings.
Sec. 5102. Purpose.
Sec. 5103. Authorization of appropriations.

SUBPART 1—STATE GRANTS FOR DRUG AND VIOLENCE PREVENTION PROGRAMS

Sec. 5111. Reservations and allotments.
Sec. 5112. State applications.
Sec. 5113. State and local educational agency programs.
Sec. 5114. Governor's programs.
Sec. 5115. Local applications.
Sec. 5116. Local drug and violence prevention programs.
Sec. 5117. Evaluation and reporting.
Sec. 5118. Programs for Hawaiian Natives.

SUBPART 2—NATIONAL PROGRAMS

Sec. 5121. Federal activities.
Sec. 5122. Grants to institutions of higher education.

SUBPART 3—GENERAL PROVISIONS

Sec. 5131. Definitions.
Sec. 5132. Materials.
Sec. 5133. Prohibited uses of funds.

PART B—ASSISTANCE TO ADDRESS SCHOOL DROPOUT PROBLEMS

Sec. 5201. Short title.
Sec. 5202. Purpose.
Sec. 5203. Grants to local educational agencies.
Sec. 5204. Application.
Sec. 5205. Authorized activities.
Sec. 5206. Distribution of assistance; limitation on costs.
Sec. 5207. Reports.
Sec. 5208. Authorization of appropriations.

* * * * * * *

TITLE VII—LANGUAGE ENHANCEMENT AND ACQUISITION PROGRAMS

PART A—BILINGUAL EDUCATION PROGRAMS

Sec. 7101. Short title.
Sec. 7102. Findings.
Sec. 7103. Policy; authorization of appropriations.
Sec. 7104. Definitions.
Sec. 7105. Native Americans and Alaska Native children in school.

SUBPART 1—FINANCIAL ASSISTANCE FOR BILINGUAL EDUCATION

Sec. 7111. Financial assistance for bilingual education.

SUBPART 2—RESEARCH AND EVALUATION

Sec. 7121. Authority.
Sec. 7122. Research.
Sec. 7123. Academic excellence awards.
Sec. 7124. State grant program.
Sec. 7125. National Clearinghouse for Bilingual Education.
Sec. 7126. Evaluations.

SUBPART 3—PROFESSIONAL DEVELOPMENT

Sec. 7131. Purpose.
Sec. 7132. Professional development grants.
Sec. 7133. Fellowships.
Sec. 7134. Stipends.

PART B—FOREIGN LANGUAGE ASSISTANCE PROGRAM

Sec. 7201. Short title.
Sec. 7202. Findings.

Sec. 7203. *Program authorized.*
Sec. 7204. *Applications.*
Sec. 7205. *Authorization of appropriations.*

PART C—ADMINISTRATION

Sec. 7301. *Coordination with related programs.*
Sec. 7302. *Report on bilingual education.*
Sec. 7303. *State educational agency recommendations; peer review.*

PART D—SPECIAL RULE

Sec. 7401. *Special rule.*

TITLE VIII—PROGRAMS OF NATIONAL SIGNIFICANCE

PART A—ARTS IN EDUCATION

Sec. 8101. *Support for arts education.*

PART B—INEXPENSIVE BOOK DISTRIBUTION PROGRAM

Sec. 8151. *Inexpensive book disrtribution program for reading motivation.*

PART C—PUBLIC CHARTER SCHOOLS

Sec. 8201. *Findings and purpose.*
Sec. 8202. *Program authorized.*
Sec. 8203. *Applications.*
Sec. 8204. *Administration.*
Sec. 8205. *Uses of funds.*
Sec. 8206. *National activities.*
Sec. 8207. *Definitions.*
Sec. 8208. *Authrization of appropriations.*

PART D—CIVIC EDUCATION

Sec. 8251. *Instruction on the history and principles of democracy in the United States.*
Sec. 8252. *Instruction in civics, government, and the law.*
Sec. 8253. *Report; authorization of appropriations.*

PART E—ALLEN J. ELLENDER FELLOWSHIP PROGRAM

Sec. 8301. *Findings.*

SUBPART 1—PROGRAM FOR MIDDLE AND SECONDARY SCHOOL STUDENTS

Sec. 8311. *Establishment.*
Sec. 8312. *Applications.*

SUBPART 2—PROGRAM FOR MIDDLE AND SECONDARY SCHOOL TEACHERS

Sec. 8321. *Establishment.*
Sec. 8322. *Applications.*

SUBPART 3—PROGRAMS FOR RECENT IMMIGRANTS, STUDENTS OF MIGRANT PARENTS AND OLDER AMERICANS

Sec. 8331. *Establishment.*
Sec. 8332. *Applications.*

SUBPART 4—GENERAL PROVISIONS

Sec. 8341. *Administrative provisions.*
Sec. 8342. *Authorization of appropriations.*

PART F—GIFTED AND TALENTED CHILDREN

Sec. 8401. *Short title.*
Sec. 8402. *Findings and purposes.*
Sec. 8403. *Definitions; construction.*
Sec. 8404. *Authorized programs.*
Sec. 8405. *Program priorities.*
Sec. 8406. *General provisions.*
Sec. 8407. *Authorization of appropriations.*

PART G—WOMEN'S EDUCATIONAL EQUITY

Sec. 8451. *Short title; findings.*

BEST COPY AVAILABLE

Sec. 8452. Statement of purposes.
Sec. 8453. Program authrorized.
Sec. 8454. Applications.
Sec. 8455. Criteria and priorities.
Sec. 8456. Report.
Sec. 8457. Evaluation and dissemination.
Sec. 8458. Authorization of appropriations.

Part H—Fund for the Improvement of education

Sec. 8501. Fund for the Improvement of Education.

Part I—Blue Ribbon Schools

Sec. 8551. Blue Ribbon Schools program.

Part J—National Student and Parent Mock Election

Sec. 8601. National student and parent mock election.

Part K—Elementary School Counseling Demonstration

Sec. 8651. Short title.
Sec. 8652. Findings and purpose.
Sec. 8653. Authorization of appropriations.
Sec. 8654. Program authority.
Sec. 8655. Applications.
Sec. 8656. Use of funds.
Sec. 8657. Definitions.

Part L—21st Century Community Learning Centers

Sec. 8701. Short title.
Sec. 8702. Findings.
Sec. 8703. Program authorization.
Sec. 8704. Application required.
Sec. 8705. Uses of funds.
Sec. 8706. Definitions.
Sec. 8707. Authorization of appropriations.

Part M—Model Projects

Sec. 8751. Model projects.

Part N—Extending Time for Learning

Sec. 8801. Findings.
Sec. 8802. Purpose.
Sec. 8803. Program authorized.
Sec. 8804. Application.
Sec. 8805. Authorized activities.
Sec. 8806. Administration.
Sec. 8807. Definitions.
Sec. 8808. Authorization of appropriations.

Part O—Creating Smaller Learning Communities

Sec. 8851. Findings.
Sec. 8852. Purpose.
Sec. 8853. Program authorized.
Sec. 8854. Application.
Sec. 8855. Authorized activities.
Sec. 8856. Administration.
Sec. 8857. Authorization of appropriations.

TITLE IX—SPECIAL PROGRAMS

Part A—Impact Aid

Sec. 9001. Findings.
Sec. 9002. Purpose.
Sec. 9003. Payments relating to Federal acquisition of real property.
Sec. 9004. Payments for eligible federally connected children.
Sec. 9005. Policies and procedures relating to children residing on Indian lands.
Sec. 9006. Application for payments under sections 9003 and 9004.

Sec. 9007. Payments for sudden and substantial increases in attendance of military dependents.
Sec. 9008. Construction.
Sec. 9009. Facilities.
Sec. 9010. Treatment of payments by the States in determining eligibility for, and the amount of, State aid.
Sec. 9011. Federal administration.
Sec. 9012. Administrative hearings and judicial review.
Sec. 9013. Forgiveness of overpayments.
Sec. 9014. Definitions.
Sec. 9015. Authorization of appropriations.

PART B—EMERGENCY IMMIGRANT EDUCATION PROGRAM

Sec. 9201. Purpose; definition.
Sec. 9202. State administrative costs.
Sec. 9203. Withholding.
Sec. 9204. State allocations.
Sec. 9205. State applications.
Sec. 9206. Payments.
Sec. 9207. Uses of funds.
Sec. 9208. Reports.
Sec. 9209. Authorization of appropriations

PART C—EDUCATION FOR NATIVE HAWAIIANS

Sec. 9301. Findings.
Sec. 9302. Purpose.
Sec. 9303. Native Hawaiian model curriculum implementation project.
Sec. 9304. Native Hawaiian family-based education centers.
Sec. 9305. Native Hawaiian higher education demonstration program
Sec. 9306. Native Hawaiian gifted and talented demonstration program.
Sec. 9307. Native Hawaiian special education program.
Sec. 9308. Administrative provisions.
Sec. 9309. Definitions.

PART D—TERRITORIAL ASSISTANCE

Sec. 9401. General assistance for the Virgin Islands.

TITLE X—GENERAL PROVISIONS

PART A—DEFINITIONS

Sec. 10101. Definitions.
Sec. 10102. Applicability of this title.

PART B—FLEXIBILITY IN THE USE OF ADMINISTRATIVE AND OTHER FUNDS

Sec. 10201. Consolidation of State administrative funds for elementary and secondary education programs.
Sec. 10202. Single local educational agency States.
Sec. 10203. Consolidation of funds for local administration.
Sec. 10204. Administrative funds study.
Sec. 10205. Consolidated set-aside for Department of the Interior funds.
Sec. 10206. Availability of unneeded program funds.

PART C—COORDINATION OF PROGRAMS; CONSOLIDATED STATE AND LOCAL APPLICATIONS

Sec. 10301. Purpose.
Sec. 10302. Optional consolidated State application.
Sec. 10303. General applicability of State educational agency assurances.
Sec. 10304. Consolidated local applications.
Sec. 10305. Other general assurances.
Sec. 10306. Relationship of State and local plans to plans under the Goals 2000: Educate America Act.

PART D—WAIVERS

Sec. 10401. Waivers of statutory and regulatory requirements.

PART E—UNIFORM PROVISIONS

Sec. 10501. Maintenance of effort.

Sec. 10502. Prohibition regarding State aid.
Sec. 10503. Participation by private school children and teachers.
Sec. 10504. Standards for by-pass.
Sec. 10505. Complaint process for participation of private school children.
Sec. 10506. By-pass determination process.
Sec. 10507. Prohibition against funds for religious worship or instruction.

PART F—OTHER PROVISIONS

Sec 10601. State recognition of exemplary performance.
Sec. 10602. Applicability to home schools.
Sec. 10603. General provision regarding nonreceipient nonpublic schools.
Sec. 10604. Prohibition on Federal mandates, direction, and control.
Sec. 10605. Report.

PART G—EVALUATIONS

Sec. 10701. Evaluations.

TITLE XI—CULTURAL PARTNERSHIPS FOR AT-RISK CHILDREN AND YOUTH

Sec. 11101. Short title.
Sec. 11102. Findings.
Sec. 11103. Demonstration program
Sec. 11104. Authorized activities.
Sec. 11105. Planning subgrants.
Sec. 11106. Payments; amounts of award; cost share;
Sec. 11107. Models.
Sec. 11108. Authorization of appropriations.

TITLE XII—DISCLOSURE REQUIREMENTS

Sec. 12001. Definitions.
Sec. 12002. Disclosure requirements.
Sec. 12003. Nondiscriminatory enrollment and service policy.
Sec. 12004. Enforcement.

TITLE XIII—TARGETED ASSISTANCE PROGRAM

PART A—GENERAL PROVISIONS

Sec. 13101. Allotment to States.
Sec. 13102. Allocation to local educational agencies.

PART B—STATE PROGRAMS

Sec. 13201. State uses of funds.
Sec. 13202. State applications.
Sec. 13203. Participation of children enrolled in private schools.

PART C—LOCAL TARGETED ASSISTANCE PROGRAMS

Sec. 13301. Targeted use of funds.
Sec. 13302. Authorized activities.
Sec. 13303. Local applications.

PART D—AUTHORIZATION OF APPROPRIATONS

Sec. 13401. Authorization of appropriations.

TITLE XIV—NATIONAL EDUCATION STATISTICS

Sec. 14001. Short title.
Sec. 14002. Findings; purpose; definitions.
Sec. 14003. National Center for Education Statistics.
Sec. 14004. Duties of the Center.
Sec. 14005. Performance of duties.
Sec. 14006. Reports.
Sec. 14007. Advisory Council on Education Statistics.
Sec. 14008. Confidentiality.
Sec. 14009. Dissemination.
Sec. 14010. Cooperative education statistics systems.
Sec. 14011. National Assessment of Educational Progress.
Sec. 14012. National Assessment Governing Board.
Sec. 14013. Authorization of appropriations.

TITLE XV—EDUCATION INFRASTRUCTURE

Sec. 15001. Short title.
Sec. 15002. Finding.
Sec. 15003. Purpose.
Sec. 15004. Definitions.
Sec. 15005. Improvement of public elementary and secondary education facilities program authorized.
Sec. 15006. Applications.
Sec. 15007. Criteria for awarding grants.
Sec. 15008. Authorized activities.
Sec. 15009. Requirements.
Sec. 15010. Fair wage.
Sec. 15011. Federal assessment.

TITLE XVI—URBAN AND RURAL EDUCATION

Sec. 16001. Definitions.
Sec. 16101. Short title.
Sec. 16102. Findings.
Sec. 16103. Purpose.

SUBPART 1—URBAN SCHOOL IMPROVEMENT

Sec. 16121. Allocation of funds.
Sec. 16122. Application.
Sec. 16123. Planning period.
Sec. 16124. Uses of funds.
Sec. 16125. Accountability.
Sec. 16126. Incentive awards to exemplary programs.
Sec. 16127. Special rules.

SUBPART 2—GENERAL PROVISIONS

Sec. 16131. White House Conference on Urban Education.

PART B—RURAL SCHOOLS

Sec. 16201. Short title.
Sec. 16202. Findings.
Sec. 16203. Purpose.

SUBPART 1—RURAL SCHOOL IMPROVEMENT

Sec. 16221. Allotment of funds.
Sec. 16222. Application.
Sec. 16223. Planning period.
Sec. 16224. Uses of funds.
Sec. 16225. Accountability.
Sec. 16226. Incentive awards to exemplary programs.

SUBPART 2—GENERAL PROVISIONS

Sec. 16231. White House Conference on Rural Education.

PART C—AUTHORIZATION OF APPROPRIATIONS

Sec. 16301. Authorization of appropriations.

SECTION 1. SHORT TITLE.

This Act may be cited as the Elementary and Secondary Education Act of 1965.

[TITLE I—BASIC PROGRAMS

[CHAPTER 1—FINANCIAL ASSISTANCE TO MEET SPECIAL EDUCATIONAL NEEDS OF CHILDREN

[SEC. 1001. DECLARATION OF POLICY AND STATEMENT OF PURPOSE.

[(a) DECLARATION OF POLICY.—In recognition of—

[(1) the special educational needs of children of low-income families and the impact of concentrations of low-income fami-

BEST COPY AVAILABLE

lies on the ability of local educational agencies to provide educational programs which meet such needs, and

[(2) the special educational needs of children of migrant parents, of Indian children, and of handicapped, neglected, and delinquent children,

the Congress declares it to be the policy of the United States to—

[(A) provide financial assistance to State and local educational agencies to meet the special needs of such educationally deprived children at the preschool, elementary, and secondary levels;

[(B) expand the program authorized by this chapter over the next 5 years by increasing funding for this chapter by at least $500,000,000 over baseline each fiscal year and thereby increasing the percentage of eligible children served in each fiscal year with the intent of serving all eligible children by fiscal year 1993; and

[(C) provide such assistance in a way which eliminates unnecessary administrative burden and paperwork and overly prescriptive regulations and provides flexibility to State and local educational agencies in making educational decisions.

[(b) STATEMENT OF PURPOSE.—The purpose of assistance under this chapter is to improve the educational opportunities of educationally deprived children by helping such children succeed in the regular program of the local educational agency, attain grade-level proficiency, and improve achievement in basic and more advanced skills. These purposes shall be accomplished through such means as supplemental education programs, school wide programs, and the increased involvement of parents in their children's education.

PART A—BASIC PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES

[Subpart 1—Allocations

[SEC. 1005. BASIC GRANTS.

[(a) AMOUNT OF GRANTS.—

[(1) GRANTS FOR TERRITORIES.—There is authorized to be appropriated for each fiscal year for the purpose of this paragraph 1 percent of the amount appropriated for such year for payments to States under this section. The amount appropriated pursuant to this paragraph shall be allotted by the Secretary (A) among Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands according to their respective need for grants under this part, and (B) to the Secretary of the Interior in the amount necessary (i) to make payments pursuant to paragraph (1) of subsection (d), and (ii) to make payments pursuant to paragraph (2) of subsection (d). The grant which a local educational agency in Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands is eligible to receive shall be determined pursuant to such criteria as the Secretary determines will best carry out the purposes of this chapter.

[(2) GRANTS FOR LOCAL EDUCATIONAL AGENCIES AND PUERTO RICO.—

[(A) In any case in which the Secretary determines that satisfactory data for that purpose are available, the grant which a local educational agency in a State is eligible to receive under this subpart for a fiscal year shall (except as provided in paragraph (3)), be determined by multiplying the number of children counted under subsection (c) by 40 percent of the amount determined under the next sentence. The amount determined under this sentence shall be the average per pupil expenditure in the State except that (i) if the average per pupil expenditure in the State is less than 80 percent of the average per pupil expenditure in the United States, such amount shall be 80 percent of the average per pupil expenditure in the United States, or (ii) if the average per pupil expenditure in the State is more than 120 percent of the average per pupil expenditure in the United States, such amount shall be 120 percent of the average per pupil expenditure in the United States.

[(B) In any case in which such data are not available, subject to paragraph (3), the grant for any local educational agency in a State shall be determined on the basis of the aggregate amount of such grants for all such agencies in the county or counties in which the school district of the particular agency is located, which aggregate amount shall be equal to the aggregate amount determined under subparagraph (A) for such county or counties, and shall be allocated among those agencies upon such equitable basis as may be determined by the State educational agency in accordance with the basic criteria prescribed by the Secretary.

[(C) For each fiscal year, the Secretary shall determine the percentage which the average per pupil expenditure in the Commonwealth of Puerto Rico is of the lowest average per pupil expenditure of any of the 50 States. The grant which the Commonwealth of Puerto Rico shall be eligible to receive under this subpart for a fiscal year shall be the amount arrived at by multiplying the number of children counted under subsection (c) for the Commonwealth of Puerto Rico by the product of—

[(i) the percentage determined under the preceding sentence; and

[(ii) 32 percent of the average per pupil expenditure in the United States.

[(3) COMPETITIVE GRANTS.—(A) From amounts appropriated for purposes of carrying out this section, the Secretary shall reserve an amount equal to the amount described in subparagraph (B) for purposes of making competitive grants to local educational agencies in Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, Palau, the Federated States of Micronesia, and the Republic of the Marshall Islands. The Secretary shall make such grants according to the recommendations of the Pacific Regional laboratory in Honolulu, Hawaii, which shall conduct a competition for such grants.

[(B) The amount described in this subparagraph is the portion of the aggregate amount reserved in the fiscal year 1989 under sections 1005(a), 1291, 1404, 1405(a)(2)(A), and 1405(a)(2)(B) for the Trust Territory of the Pacific Islands that was attributable to the Republic of the Marshall Islands and the Federated States of Micronesia.

[(C) Subject to subparagraph (D), grants awarded under this paragraph may only be used for—

[(i) activities consistent with the purposes of—

[(I) title I;

[(II) the Adult Education Act;

[(III) the Education of the Handicapped Act;

[(IV) the Library Services and Construction Act; or

[(V) the Dwight D. Eisenhower Mathematics and Science Education Act;

[(ii) teacher training;

[(iii) curriculum development;

[(iv) instructional materials; or

[(v) general school improvement and reform.

[(D) Grants awarded under this paragraph may only be used to provide direct educational services.

[(E) The Secretary shall provide 5 percent of amounts made available for grants under this paragraph to pay the administrative costs of the Pacific Regional Laboratory with respect to the program under this paragraph.

[(4) SPECIAL ALLOCATION PROCEDURES.—

[(A) Upon determination by the State educational agency that a local educational agency in the State is unable or unwilling to provide for the special educational needs of children described in clause (C) of paragraph (1) of subsection (c), who are living institutions for neglected or delinquent children, the State educational agency shall, if it assumes responsibility for the special educational needs of such children, be eligible to receive the portion of the allocation to such local educational agency which is attributable to such neglected or delinquent children, but if the State educational agency does not assume such responsibility, any other State or local public agency, as determined by regulations established by the Secretary, which does assume such responsibility, shall be eligible to receive such portion of the allocation.

[(B) In the case of local educational agencies which serve in whole or in part the same geographical area, and in the case of a local educational agency which provides free public education for a substantial number of children who reside in the school district of another local educational agency, the State educational agency may allocate the amount of the grants for those agencies among them in such manner as it determines will best carry out the purposes of this chapter.

[(C) In any State in which a large number of local educational agencies overlap county boundaries, the State educational agency may apply to the Secretary for authority during any particular fiscal year to make the allocations under this part (other than section 1006) directly to local educational agencies without regard to the counties or may continue to make such allocations if the agency had the authority to do so under chapter 1 of the Education Consolidation and Improvement Act of 1981. If the Secretary approves an application of a State educational agency for a particular year under this subparagraph, the State educational agency shall provide assurances that such allocations will be made using precisely the same factors for determining a grant as are used under this part and that a procedure will be established through which local educational agencies dissatisfied with the determinations made by the State educational agency may appeal directly to the Secretary for a final determination.

[(5) DEFINITION.—For purposes of this subsection, the term "State" does not include Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

[(b) MINIMUM NUMBER OF CHILDREN TO QUALIFY.—A local educational agency shall be eligible for a basic grant for a fiscal year under this subpart only if it meets the following requirements with respect to the number of children counted under subsection (c):

[(1) In any case (except as provided in paragraph (3)) in which the Secretary determines that satisfactory data for the purpose of this subsection as to the number of such children are available on a school district basis, the number of such children in the school district of such local educational agency shall be at least 10.

[(2) In any other case, except as provided in paragraph (3), the number of such children in the county which includes such local educational agency's school district shall be at least 10.

[(3) In any case in which a county includes a part of the school district of the local educational agency concerned and the Secretary has not determined that satisfactory data for the purpose of this subsection are available on a school district basis for all the local educational agencies or all the counties into which the school district of the local educational agency concerned extends, the eligibility requirement with respect to the number of such children for such local educational agency shall be determined in accordance with regulations prescribed by the Secretary for the purposes of this subsection.

[(c) CHILDREN TO BE COUNTED.—

[(1) CATEGORIES OF CHILDREN.—The number of children to be counted for purposes of this section is the aggregate of—

[(A) the number of children aged 5 to 17, inclusive, in the school district of the local educational agency form families below the poverty level as determined under paragraph (2)(A),

[(B) the number of children aged 5 to 17, inclusive, in the school district of such agency from families above the poverty level as determined under paragraph (2)(B), and

[(C) the number of children aged 5 to 17, inclusive, in the school district of such agency living in institutions for neglected or delinquent children (other than such institutions operated by the United States) but not counted pursuant to subpart 3 of part D for the purposes of a grant to a State agency, or being supported in foster homes with public funds.

[(2) DETERMINATION OF NUMBER OF CHILDREN.—

[(A) For the purposes of this section, the Secretary shall determine the number of children aged 5 to 17, inclusive, from families below the poverty level on the basis of the most recent satisfactory data available from the Department of Commerce for local educational agencies (or, if such data are not available for such agencies, for counties); and in determining the families which are below the poverty level, the Secretary shall utilize the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census.

[(B) For purposes of this section, the Secretary shall determine the number of children aged 5 to 17, inclusive, from families above the poverty level on the basis of the number of such children from families receiving an annual income, in excess of the current criteria of poverty, from payments under the program of aid to families with dependent children under a State plan approved under title IV of the Social Security Act; and in making such determinations the Secretary shall utilize the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census for a family of 4 in such form as those criteria have been updated by increases in the Consumer Price Index. The Secretary shall determine the number of such children and the number of children of such ages living in institutions for neglected or delinquent children, or being supported in foster homes with public funds, on the basis of the caseload data for the month of October of the preceding fiscal year (using, in the case of children described in the preceding sentence, the criteria of poverty and the form of such criteria required by such sentence which were determined for the calendar year preceding such month of October) or, to the extent that such data are not available to the Secretary before January of the calendar year in which the Secretary's determination is made, then on the basis of the most recent reliable data available to the Secretary at the time of such determination. The Secretary of Health and Human Services shall collect and transmit the information required by this subparagraph to the Secretary not later than January 1 of each year.

[(C) When requested by the Secretary, the Secretary of Commerce shall make a special estimate of the number of children of such ages who are from families below the poverty level (as determined under subparagraph (A) of this paragraph) in each county or school district, and the Secretary is authorized to pay (either in advance or by way of reimbursement) the Secretary of Commerce the cost of making this special estimate. The Secretary of Commerce shall give consideration to any request of the chief executive of a State for the collection of additional census information. For purposes of this section, the Secretary shall consider all children who are in correctional institutions to be living in institutions for delinquent children.

[(d) PROGRAM FOR INDIAN CHILDREN.—

[(1) From the amount allotted for payments to the Secretary of the Interior under the second sentence of subsection (a)(1), the Secretary of the Interior shall make payments to local educational agencies, upon such terms as the Secretary determines will best carry out the purposes of this chapter with respect to out-of-State Indian children in the elementary and secondary schools of such agencies under special contracts with the Department of the Interior. The amount of such payment may not exceed, for each such child, 40 percent of (A) the average per pupil expenditure in the State in which the agency is located, or (B) 120 percent of such expenditure in the United States, whichever is the greater.

[(2) The amount allotted for payments to the Secretary of the Interior under the second sentence of subsection (a)(1) for any fiscal year shall be, as determined pursuant to criteria established by the Secretary, the amount necessary to meet the special educational needs of educationally deprived Indian children on reservations serviced by elementary and secondary schools for Indian children operated with Federal assistance or operated by the Department of the Interior. Such payment shall be made pursuant to an agreement between the Secretary and the Secretary of the Interior containing such assurances and terms as the Secretary determines will best achieve the purposes of this chapter. Such agreement shall contain (A) an assurance that payments made pursuant to this subparagraph will be used solely for programs and projects approved by the Secretary of the Interior which meet the applicable requirements of subpart 2 of this part and that the Department of the Interior will comply in all other respects with the requirements of this chapter, and (B) provision for carrying out the applicable provisions of subpart 2 of this part and part F. Such agreement shall consider a tribal organization operating a school under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or the Tribally Controlled Schools Act of 1987 as a local educational agency, and shall consider the Secretary of the Interior as a State or State educational agency for all purposes defining the authority of States or State educational agencies relative to local educational agencies. If, in the capacity as a State educational agency, the Secretary of the Interior promulgates regulations applicable to such tribal organizations, the Secretary shall comply with section 1451 of this Act and with section 553 of title 5 of the United States Code, relating to administrative procedure, and such regulations must be consistent with subsections (d) and (e) of section 1121, section 1130, and section 1133 of the Education Amendments of 1978.

[(e) STATE MINIMUM.—(1) for any fiscal year for which—

[(A) sums available for the purposes of this section exceed sums available under chapter 1 of the Education Consolidation and Improvement Act of 1981 for fiscal year 1988; and

[(B)(i) sums available for the purpose of section 1006 equal or exceed $400,000,000, or

[(ii) sums available for the purpose of section 1005 equal or exceed amounts appropriated for such purpose in fiscal year 1988 by $700,000,000,

the aggregate amount allotted for all local educational agencies within a State may not be less than one-quarter of 1 percent of the total amount available for such fiscal year under this section.

[(2) The provisions of paragraph (1) shall apply only if each State is allotted an amount which is not less than the payment made to each State under chapter 1 of the Education Consolidation and Improvement Act of 1981 for fiscal year 1988.

[(3)(A) No State shall, by reason of the application of the provisions of paragraph (1) of this subsection, be allotted more than—

[(i) 150 percent of the amount that the State received in the fiscal year preceding the fiscal year for which the determination is made, or

[(ii) the amount calculated under subparagraph (B), whichever is less.

[(B) For the purpose of subparagraph (A)(ii), the amount for each State equals—

[(i) the number of children in such State counted under subsection (c) in the fiscal year specified in subparagraph (A),

multiplied by

[(ii) 150 percent of the national average per pupil payment made with funds available under this section for that year.

[(g) DURATION OF ASSISTANCE.—During the period beginning October 1, 1988, and ending September 30, 1993, the Secretary shall, in accordance with the provisions of this part, make payments to State educational agencies for grants made on the basis of entitlements created under this section.

[SEC. 1006. GRANTS FOR LOCAL EDUCATIONAL AGENCIES IN COUNTIES WITH ESPECIALLY HIGH CONCENTRATIONS OF CHILDREN FROM LOW-INCOME FAMILIES.

[(a) ELIGIBILITY FOR AND AMOUNT OF SPECIAL GRANTS.—

[(1)(A) Except as otherwise provided in this paragraph, each county, in a State other than Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands, which is eligible for a grant under this chapter for any fiscal year shall be entitled to an additional grant under this section for that fiscal year if—

[(i) the number of children counted under section 1005(c) of this chapter in the school district of local educational agencies in such county for the preceding fiscal year exceeds 6,500, or

[(ii) the number of children counted under section 1005(c) exceeds 15 percent of the total number of children aged five to seventeen, inclusive, in the school districts of local educational agencies in such county in that fiscal year.

[(B) Except as provided in subparagraph (C), no State described in subparagraph (A) shall receive less than—

[(i) one-quarter of 1 percent of the sums appropriated under subsection (c) of this section for such fiscal year; or

[(ii) $250,000,

whichever is higher.

[(C) No State shall, by reason of the application of the provisions of subparagraph (B)(i) of this paragraph, be allotted more than—

[(i) 150 percent of the amount that the State received in the fiscal year preceding the fiscal year for which the determination is made, or

[(ii) the amount calculated under subparagraph (B),

whichever is less.

[(D) For the purpose of subparagraph (C), the amount for each State equals—

[(i) the number of children in such State counted for purposes of this section in the fiscal year specified in subparagraph (B),

multiplied by

[(ii) 150 percent of the national average per pupil payment made with funds available under this section for that year.

[(2) For each county in which there are local educational agencies eligible to receive an additional grant under this section for any fiscal year the Secretary shall determine the product of—

[(A) the greater of—

[(i) the number of children in excess of 6,500 counted under section 1005(c) for the preceding fiscal year, in the school districts of local educational agencies of a county which qualifies on the basis of subparagraph (A) of paragraph (1); or

[(ii) the number of children counted under section 1005(c) for the preceding fiscal year in the school districts of local educational agencies in a county which qualifies on the basis of subparagraph (B) of paragraph (1); and

[(B) the quotient resulting from the division of the amount determined for those agencies under section 1005(a)(2) of this chapter for the fiscal year for which the determination is being made divided by the total number of children counted under section 1005(c) for that agency for the preceding fiscal year.

[(3) The amount of the additional grant to which an eligible county is entitled under this section for any fiscal year shall be an amount which bears the same ratio to the amount reserved under subsection (c) for that fiscal year as the product determined under paragraph (2) for such county for that fiscal year bears to the sum of such products for all counties in the United States for that fiscal year.

[(4) For the purposes of this section, the Secretary shall determine the number of children counted under section 1005(c) for any county, and the total number of children aged five to seventeen, inclusive, in school districts of local educational agencies in such county, on the basis of the most recent satisfactory data available at the time the payment for such county is determined under section 1005.

[(5)(A) Pursuant to regulations established by the Secretary and except as provided in subparagraphs (B) and (C) and paragraph (6), funds allocated to counties under this part shall be allocated by the State educational agency only to those local educational agencies whose school districts lie (in whole or in part) within the county and which are determined by the State educational agency to meet the eligibility criteria of clauses (i) and (ii) of paragraph (1)(A). Such determination shall be made on the basis of the available poverty data which such State educational agency determines best reflect the current distribution in the local educational agency of low-income families consistent with the purposes of this chapter. The amount of funds under this part that each qualifying local educational agency receives shall be proportionate to the number or percentage of children from low-income families in the school districts of the local educational agency.

[(B) In counties where no local educational agency meets the criteria of clause (i) or (ii) of paragraph (1)(A), the State educational agency shall allocate such funds among the local educational agencies within such counties (in whole or in part) in rank order of their respective concentration and numbers of children from low-income families and in amounts which are consistent with the degree of concentration of poverty. Only local educational agencies with concentrations of poverty that exceed the county wide average of poverty shall receive any funds pursuant to the provisions of this subparagraph.

[(C) In States which receive the minimum grant amount under paragraph (1), the State educational agency shall allocate such funds among the local educational agencies in such State by either of the following methods:

[(i) in accordance with the provisions of subparagraphs (A) and (B) of this paragraph; or

[(ii) without regard to the counties in which such local educational agencies are located, in rank order of their respective concentration and numbers of children from low-income families and in amounts which are consistent with the degree of concentration of poverty, except that only those local educational agencies with concentrations of poverty that exceed the Statewide average of poverty shall receive any funds pursuant to the provisions of this clause.

[(6) A State may reserve not more than 2 percent of its allocation under this section for the purpose of making direct payments to local educational agencies that meet the criteria of clauses (i) and (ii) of paragraph (1)(A), but are otherwise ineligible.

[(b) PAYMENTS; USE OF FUNDS.—

[(1) The total amount which counties in a State are entitled to under this section for any fiscal year shall be added to the amount paid to that State under section 1401 for such year. From the amount paid to it under this section, the State shall distribute to local educational agencies in each county of the State the amount (if any) to which it is entitled under this section.

[(2) The amount paid to a local educational agency under this section shall be used by that agency for activities undertaken pursuant to its application submitted under section 1012 and shall be subject to the other requirements in subpart 2 of this part.

[(c) Reservation of Funds.—

[(1) For any fiscal year for which amounts appropriated for part A of this chapter exceed $3,900,000,000, the amounts specified in paragraph (2) of this subsection shall be available to carry out this section.

[(2)(A) The first $400,000,000 in excess of $3,900,000,000 appropriated for part A of this chapter in any fiscal year shall be available to carry out this section.

[(B) Whenever the amounts appropriated for part A exceed $4,300,000,000 in any fiscal year, 10 percent of the amount appropriated for that fiscal year shall be available to carry out this section, except that no State shall, as a result of implementation of paragraph (2) of this subsection, receive less under section 1005 than it received for the previous fiscal year under such section or under section 554(a)(1)(A) of the Education Consolidation and Improvement Act of 1981.

[(d) Ratable Reduction Rule.—If the sums available under subsection (c) for any fiscal year for making payments under this section are not sufficient to pay in full the total amounts which all States are entitled to receive under subsection (a) for such fiscal year, the maximum amounts which all States are entitled to receive under subsection (a) for such fiscal year shall be ratably reduced. In case additional funds become available for making such payments for any fiscal year during which the preceding sentence is applicable, such reduced amounts shall be increased on the same basis as they were reduced.

[Subpart 2—Basic Program Requirements

SEC. 1011. USES OF FUNDS.

[(a) Program Description.—

[(1) A local educational agency may use funds received under this part only for programs and projects which are designed to meet the special educational needs of educationally deprived children identified in accordance with section 1014 and which are included in an application for assistance approved by the State educational agency.

[(2) Such programs and projects under paragraph (1) may include preschool through secondary programs; the acquisition of equipment and instructional materials; books and school library resources; employment of special instructional personnel, school counselors, and other pupil services personnel; employment and training of education aides; payments to teachers of amounts in excess of regular salary schedules as a bonus for service in schools serving project areas; the training of teachers, librarians, other instructional and pupil services personnel, and, as appropriate, early childhood education professionals (including training in preparation for the implementation of programs and projects in a subsequent school year); the construction, where necessary, of school facilities; parental involvement activities under section 1016; planning for and evaluation of such programs and projects assisted under this chapter; and other expenditures authorized under this chapter.

[(3) State and local educational agencies are encouraged to develop programs to assist eligible children to improve their achievement in basic skills and more advanced skills and to consider year-round services and activities, including intensive summer school programs.

[(b) INNOVATION PROJECTS.—Subject to the approval of the State educational agency, a local educational agency may use not more than 5 percent of payments under this part for the costs of conducting innovative projects developed by the local educational agency that include only—

[(1) the continuation of services to children eligible for services in any preceding year for a period sufficient to maintain progress made during their eligibility;

[(2) the provision of continued services to eligible children transferred to ineligible areas or schools as part of a desegregation plan for a period not to exceed 2 years;

[(3) incentive payments to schools that have demonstrated significant progress and success in attaining the goals of this chapter;

[(4) training of chapter 1 and nonchapter 1 paid teachers and librarians with respect to the special educational needs of eligible children and integration of activities under this part into regular classroom programs;

[(5) programs to encourage innovative approaches to parental involvement or rewards to or expansion of exemplary parental involvement programs;

[(6) encouraging the involvement of community and private sector resources (including fiscal resources) in meeting the needs of eligible children; and

[(7) assistance by local educational agencies of schools identified under section 1021(b).

[SEC. 1012. ASSURANCES AND APPLICATIONS.

[(a) STATE EDUCATIONAL AGENCY ASSURANCES.—Any State desiring to participate under this chapter shall submit to the Secretary, through its State educational agency, assurances that the State educational agency—

[(1) will meet the requirements in section 435(b)(2) and (b)(5) of the General Education Provisions Act relating to fiscal control and fund accounting procedures;

[(2) will carry out the activities required under this chapter with regard to evaluation and school program improvement;

[(3) has on file a program improvement plan that meets the requirements of section 1020; and

[(4) will ensure that its local educational agencies and State agencies receiving funds under this chapter comply with all applicable statutory and regulatory provisions pertaining to this chapter.

Such assurances shall remain in effect for the duration of participation under this chapter.

[(b) Local Applications.—A local educational agency may receive a grant under this chapter for any fiscal year if it has on file with the State educational agency an application which describes the procedure to be used under section 1014(b) to assess students' needs and establish program goals, describes the programs and projects to be conducted with such assistance for a period of not more than 3 years, and describes the desired outcomes for eligible children, in terms of basic and more advanced skills that all children are expected to master, which will be used as the basis for evaluating the program or project as required by section 1019, and such application has been approved by the State educational agency and developed in consultation with teachers and parents.

[(c) Local Assurances.—Such application shall provide assurance that the programs and projects described—

[(1) are of sufficient size, scope, and quality to give reasonable promise of substantial progress toward meeting the special educational needs of the children being served, are designed and implemented in consultation with teachers (including early childhood education professionals and librarians when appropriate), and provide for parental involvement in accordance with section 1016;

[(2) make provision for services to educationally deprived children attending private elementary and secondary schools in accordance with section 1017;

[(3) allocate time and resources for frequent and regular coordination of the curriculum under this chapter with the regular instructional program; and

[(4) in the case of participating students who are also limited English proficient or are handicapped, provide maximum coordination between services provided under this chapter and services provided to address children's handicapping conditions or limited English proficiency, in order to increase program effectiveness, eliminate duplication, and reduce fragmentation of the students' programs.

[SEC. 1013. ELIGIBLE SCHOOLS.

[(a) General Provisions.—

[(1) Subject to subsection (b), a local educational agency shall use funds received under this chapter in school attendance areas having high concentrations of children from low-income families (hereinafter referred to as "eligible school attendance areas"), and where funds under this chapter are insufficient to provide programs and projects for all educationally deprived children in eligible school attendance areas, a local educational agency shall annually rank its eligible school attendance areas from highest to lowest within each grade span grouping or for the entire local educational agency, according to relative degree of concentration of children from low-income families. A local educational agency may carry out a program or project assisted under this chapter in an eligible school attendance area only if it also carries out such program or project in all other eligible school attendance areas which are ranked higher under the first sentence of this paragraph.

[(2) The same measure of low income, which shall be chosen by the local educational agency on the basis of the best available data and which may be a composite of several indicators, shall be used with respect to all school attendance areas within a grade span grouping or for the entire local educational agency, both to identify the areas having high concentrations of children from low-income families and to determine the ranking of each area.

[(3) The requirements of this subsection shall not apply in the case of a local educational agency with a total enrollment of less than 1,000 children, but this paragraph does not relieve such an agency from the responsibility to serve eligible children according to the provisions of section 1014.

[(b) LOCAL EDUCATIONAL AGENCY DISCRETION.—Notwithstanding subsection (a)(1) of this section, a local educational agency shall have discretion to identify and rank eligible attendance areas as follows:

[(1) A local educational agency may designate as eligible and serve all of is attendance areas within a grade span grouping or in the entire local educational agency if the percentage of children from low-income families in each attendance area of the agency is within 5 percentage points of the average percentage of such children within a grade span grouping or for the entire local educational agency.

[(2) A local educational agency may designate any school attendance area in which at least 25 percent of the children are from low-income families as an eligible school attendance area if the aggregate amount expended under this chapter and under a State program meeting the requirements of section 1018(d)(1)(B) in that fiscal year in each school attendance area of that agency eligible under subsection (a) in which projects assisted under this chapter were carried out in the preceding fiscal year equals or exceeds the amount expended from those sources in that area in such preceding fiscal year if such attendance areas qualify for such amounts under subsection (c)(1).

[(3) A local educational agency may, with the approval of the State educational agency, designate as eligible and serve school attendance areas with substantially higher numbers or percentages of educationally deprived children before school attendance areas with higher concentrations of children from low-income families, but this paragraph shall not permit the provision of services to more school attendance areas than could otherwise be served. A State educational agency shall approve such a proposal only if the State educational agency finds that the proposal will not substantially impair the delivery of deprived children from low-income families in project areas served by the local educational agency.

[(4) Funds received under this part may be used for educationally deprived children who are in a school which is not located in an eligible school attendance area when the proportion of children from low-income families in average daily attendance in such school is substantially equal to the proportion of such children in an eligible school attendance area of such agency.

[(5) If an eligible school attendance area or eligible school was so designated and served in accordance with subsection (a) in the immediately preceding fiscal year, it may continue to be so designated for the subsequent fiscal year even though it does not qualify as eligible under such subsection in such additional year.

[(6) With the approval of the State educational agency, eligible school attendance areas or eligible schools which have higher proportions or numbers of children from low-income families may be skipped if they are receiving, from non-Federal funds, services of the same nature and scope as would otherwise be provided under this part, except that (A) the number of children attending private elementary and secondary schools who receive services under this part shall be determined without regard to non-Federal compensatory education funds which serve eligible children in public elementary and secondary schools, and (B) children attending private elementary and secondary schools who receive assistance under this part shall be identified in accordance with this section and without regard to skipping public school attendance areas or schools under this paragraph.

[(c) ALLOCATIONS.—

[(1) Except as provided in paragraph (2), a local educational agency shall allocate funds under this part among project areas or schools on the basis of the number and needs of children to be served as determined in accordance with section 1014.

[(2) Children in eligible schools, who receive services under this part and subsequently become ineligible due to improved academic achievement attributable to such services, may continue to be considered eligible for 2 additional years only for the purpose of determining the allocation of funds among eligible schools under paragraph (1). Any funds so allocated shall be used to provide services to any children determined to be eligible under section 1014.

[SEC. 1014. ELIGIBLE CHILDREN.

[(a) GENERAL PROVISIONS.—

[(1) Except as provided in subsections (c) and (d) of this section and section 1015, a local educational agency shall use funds received under this part for educationally deprived children, identified in accordance with subsection (b) as having the greatest need for special assistance, in school attendance areas or schools satisfying the requirements of section 1013.

[(2) The eligible population for services under this part are—

[(A) those children up to age 21 who are entitled to a free public education through grade 12, and

[(B) those children who are not yet at a grade level where the local educational agency provides a free public education, yet are of an age at which they can benefit from an organized instructional program provided in a school or other educational setting.

[(b) Assessment of Educational Need.—A local educational agency may receive funds under this part only if it makes an assessment of educational needs each year to (1) identify educationally deprived children in all eligible attendance areas; (2) identify the general instructional areas on which the program will focus; (3) select those educationally deprived children who have the greatest need for special assistance, as identified on the basis of educationally related objective criteria established by the local educational agency, which include written or oral testing instruments, that are uniformly applied to particular grade levels throughout the local educational agency; and (4) determine the special educational needs (and library resource needs) of participating children with specificity sufficient to ensure concentration on such needs.

[(c) Local Educational Agency Discretion.—(1) Educationally deprived children who begin participating in a program or project assisted under this part, in accordance with subsections (a) and (b) but who, in the same school year, are transferred to a school attendance area or school not receiving funds under this part, may, if the local agency so determines, continue to participate in a program or project funded under this part for the duration of that same school year.

[(2) In providing services under this part a local educational agency may skip educationally deprived children in greatest need of assistance who are receiving, from non-Federal sources, services of the same nature and scope as would otherwise be provided under this part.

[(3) A child who, in the previous year, was identified as being in greatest need is assistance, and who continues to be educationally deprived, but who is no longer identified as being in greatest need of assistance, may participate in a program or project assisted under this part while continuing to be educationally deprived for a maximum of 2 additional years.

[(d) Special Rules.—Children receiving services to overcome a handicapping condition or limited English proficiency shall also be eligible to receive services under this part, if they have needs stemming from educational deprivation and not related solely to the handicapping condition or limited English proficiency. Such children shall be selected on the same basis as other children identified as eligible for and selected to receive services under this part. Funds under this part may not be used to provide services that are otherwise required by law to be made available to such children.

[(2) A student who at any time in the previous 2 years was receiving services under subpart 3 of part D of this chapter or under subpart 3 of part B of title I of the Elementary and Secondary Educations Act (as amended by chapter 1 of the Education Consolidation and Improvement Act of 1981) shall be considered eligible for services under this part, and may be served subject to the provisions of subsections (a) and (b).

[SEC. 1015. SCHOOLWIDE PROJECTS.

[(a) Use of Funds for Schoolwide Projects.—In the case of any school serving an attendance area that is eligible to receive services under this part and in which, for the first year of the 3-year period of projects assisted under this section, not less than 75 percent of the children are from low-income families or any eligible school in which not less than 75 percent of the children enrolled in the school are from low-income families, the local educational agency may carry out a project under this part to upgrade the entire educational program in that school if the requirements of subsections (b), (c), (d), and (e) are met.

[(b) DESIGNATION OF SCHOOLS.—A school may be designated for a schoolwide project under subsection (a) if—

[(1) a plan has been developed for that school by the local educational agency and has been approved by the State educational agency which—

[(A) provides for a comprehensive assessment of educational needs of all students in the school, in particular the special needs of educationally deprived children;

[(B) establishes goals to meet the special needs of all students and to ensure that educationally deprived children are served effectively and demonstrate performance gains comparable to other students;

[(C) describes the instructional program, pupil services, and procedures to be used to implement those goals;

[(D) describes the specific uses of funds under this part as part of that program; and

[(E) describes how the school will move to implement an effective schools program as defined in section 1471, if appropriate;

[(2) the plan has been developed with the involvement of those individuals who will be engaged in carrying out the plan, including parents, teachers, librarians, education aides, pupil services personnel, and administrators (and secondary students if the plan relates to a secondary school);

[(3) the plan provides for consultation among individuals described in paragraph (2) as the educational progress of all students and the participation of such individuals in the development and implementation of the accountability measures required by subsection (3);

[(4) appropriate training is provided to parents of children to be served, teachers, librarians, and other instructional, administrative, and pupil services personnel to enable them effectively to carry out the plan;

[(5) the plan includes procedures for measuring progress, as required by subsection (e), and describes the particular measures to be used; and

[(6)(A) in the case of a school district in which there are one or more schools described in subsection (a) and there are also one or more other schools serving project areas, the local educational agency makes the Federal funds provided under this part available for children in such schools described in subsection (a) in amounts which, per educationally deprived child served, equal or exceed the amount of such funds made available per educationally deprived child served in such other schools; and

[(B) the average per pupil expenditure in schools, described in subsection (a) (excluding amounts expended under a State compensatory education program) for the fiscal year in which the plan is to be carried out will not be less than such expenditure in the previous fiscal year in such schools, except that—

[(i) the cost of services for programs described in section 1018(d)(2)(A) shall be included for each fiscal year as appropriate only in proportion to the number of children in the building served in such programs in the year for which this determination is made; and

[(ii) if the average per pupil expenditure of the local educational agency is less than such expenditure in the previous fiscal year, the average per pupil expenditure of schools described in subsection (a) may be reduced by the local educational agency in the exact proportion to the average reduction of expenditures for all schools in such agency.

[(c) Approval of Plan; Operation of Project.—

[(1) The State educational agency shall approve the plan of any local educational agency for a schoolwide project if that plan meets the requirements of subsection (b).

[(2) For any school which has such a plan approved, the local educational agency—

[(A) shall, in order to carry out the plan, be relieved of any requirements under this part with respect to the commingling of funds provided under this chapter with funds available for regular programs;

[(B) shall use funds received under this part only to supplement, and to the extent practicable, increase the level of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the school approved for a schoolwide project under paragraph (1);

[(C) shall comply with the provisions of section 1018(c); and

[(D) may not be required to identify particular children as being eligible to participate in projects assisted under this part but shall identify educationally deprived children for purposes of subsections (b) and (e) of this section.

[(d) Use of Funds.—In addition to uses under section 1011, funds may be used in schoolwide projects for—

[(1) planning and implementing effective schools programs, and

[(2) other activities to improve the instructional program and pupil services in the school such as reducing class size, training staff and parents of children to be served, and implementing extended schoolday programs.

[(e) Accountability.—

[(1) The State educational agency may grant authority for a local educational agency to operate a schoolwide project for a period of 3 years. If a school meets the accountability requirements in paragraphs (2) and (3) at the end of such period, as determined by the State educational agency, that school will be allowed to continue the schoolwide project for an additional 3-year period.

[(2)(A) Except as provided in subparagraph (B), after 3 years, a school must be able to demonstrate (i) that the achievement level of educationally deprived children as measured according to the means specified in the plan required by subsection (b) exceeds the average achievement of participating children districtwide, or (ii) that the achievement of educationally deprived children in that school exceeds the average achievement of such children in that school in the 3 fiscal years prior to initiation of the schoolwide project.

[(B) For a secondary school, demonstration of lower dropout rates, increased retention rates, or increased graduation rates is acceptable in lieu of increased achievement, if achievement levels over the 3-year schoolwide project period, compared with the 3-year period immediately preceding the schoolwide project, do not decline.

[(3) Schools shall annually collect achievement and other assessment data for the purposes of paragraph (2). The results of achievement and other assessments shall be made available annually to parents, the public, and the State educational agency.

[SEC. 1016. PARENTAL INVOLVEMENT.

[(a) FINDINGS; GENERAL REQUIREMENT.—

[(1) Congress finds that activities by schools to increase parental involvement are a vital part of programs under this chapter.

[(2) Toward that end, a local educational agency may receive funds under this chapter only if it implements programs, activities, and procedures for the involvement of parents in programs assisted under this chapter. Such activities and procedures shall be planned and implemented with meaningful consultation with parents of participating children and must be of sufficient size, scope, and quality to give reasonable promise of substantial progress toward achieving the goals under subsection (b).

[(3) For purposes of this section, parental involvement includes, but is not limited to, parent input into the design and implementation of programs under this chapter, volunteer or paid participation by parents in school activities, and programs, training, and materials which build parents' capacity to improve their children's learning in the home and in school.

[(b) GOALS OF PARENTAL INVOLVEMENT.—In carrying out the requirements of subsection (a), a local educational agency shall, in coordination with parents of participating children, develop programs, activities, and procedures which have the following goals—

[(1) to inform parents of participating children of the program under this chapter, the reasons for their children's participation in such programs, and the specific instructional objectives and methods of the program;

[(2) to support the efforts of parents, including training parents, to the maximum extent practicable, to work with their children in the home to attain the instructional objectives of programs under this chapter and to understand the program requirements of this chapter and to train parents and teachers to build a partnership between home and school;

[(3) to train teachers and other staff involved in programs under this chapter to work effectively with the parents of participating students;

[(4) to consult with parents, on an ongoing basis, concerning the manner in which the school and parents can better work together to achieve the program's objectives and to give parents a feeling of partnership in the education of their children;

[(5) to provide a comprehensive range of opportunities for parents to become informed, in a timely way, about how the program will be designed, operated, and evaluated, allowing opportunities for parental participation, so that parents and educators can work together to achieve the program's objectives; and

[(6) to ensure opportunities, to the extent practicable, for the full participation of parents who lack literacy skills or whose native language is not English.

[(c) MECHANISMS FOR PARENTAL INVOLVEMENT.—

[(1) Each local educational agency, after consultation with and review by parents, shall develop written policies to ensure that parents are involved in the planning, design, and implementation of programs and shall provide such reasonable support for parental involvement activities as parents may request. Such policies shall be made available to parents of participating children.

[(2) Each local educational agency shall convene an annual meeting to which all parents of participating children shall be invited, to explain to parents the programs and activities provided with funds under this chapter. Such meetings may be districtwide or at the building level, as long as all such parents are given an opportunity to participate.

[(3) Each local educational agency shall provide parents of participating children with reports on the children's progress, and, to the extent practical, hold a parent-teacher conference with the parents of each child served in the program, to discuss that child's progress, placement, and methods by which parents can complement the child's instruction. Educational personnel under this chapter shall be readily accessible to parents and shall permit parents to observe activities under this chapter.

[(4) Each local educational agency shall (A) provide opportunities for regular meetings of parents to formulate parental input into the program, if parents of participating children so desire; (B) provide parents of participating children with timely information about the program; and (C) make parents aware of parental involvement requirements and other relevant provisions of programs under this chapter.

[(5) Parent programs, activities, and procedures may include regular parent conferences; parent resource centers; parent training programs and reasonable and necessary expenditures associated with the attendance of parents at training sessions; hiring, training, and utilization of parental involvement liaison workers; reporting to parents on the children's progress; training and support of personnel to work with parents, to coordinate parent activities, and to make contact in the home; use of parents as classroom volunteers, tutors, and aides; provision of school-to-home complementary curriculum and materials and assistance in implementing home-based education activities that reinforce classroom instruction and student motivation; provision of timely information on programs under this chapter (such as program plans and evaluations); soliciting parents' suggestions in the planning, development, and operation of the program; providing timely responses to parent recommendations; parent advisory councils; and other activities designed to enlist the support and participation of parents to aid in the instruction of their children.

[(6) Parents of participating children are expected to cooperate with the local educational agency by becoming knowledgeable of the program goals and activities and by working to reinforce their children's training at home.

[(d) COORDINATION WITH ADULT EDUCATION ACT.—Programs of parental involvement shall coordinate, to the extent possible, with programs funded under the Adult Education Act.

[(e) ACCESSIBILITY REQUIREMENT.—Information, programs, and activities for parents pursuant to this section shall be provided, to the extent practicable, in a language and form which the parents understand.

[SEC. 1017. PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.

[(a) GENERAL REQUIREMENTS.—To the extent consistent with the number of educationally deprived children in the school district of the local educational agency who are enrolled in private elementary and secondary schools, such agency shall, after timely and meaningful consultation with appropriate private school officials, make provisions for including special educational services and arrangements (such as dual enrollment, educational radio and television, computer equipment and materials, other technology, and mobile educational services and equipment) in which such children can participate and which meet the requirements of sections 1011(a), 1012(b)(1), 1013, 1014, and 1018(b). Expenditures for educational services and arrangements pursuant to this section for educationally deprived children in private schools shall be equal (taking into account the number of children to be served and the special educational needs of such children) to expenditures for children enrolled in the public schools of the local educational agency.

[(b) BYPASS PROVISION.—

[(1) If a local educational agency is prohibited by law from providing for the participation in special programs for educationally deprived children enrolled in private elementary and secondary schools as required by subsection (a), the Secretary shall waive such requirements, and shall arrange for the provision of services to such children through arrangements which shall be subject to the requirements of subsection (a).

[(2) If the Secretary determines that a local educational agency has substantially failed to provide for the participation on an equitable basis of educationally deprived children enrolled in private elementary and secondary schools as required by subsection (a), the Secretary shall arrange for the provision of services to such children through arrangements which shall be subject to the requirements of subsection (a), upon which determination the provisions of subsection (a) shall be waived.

[(3)(A) The Secretary shall develop and implement written procedures for receiving, investigating, and resolving complaints from parents, teachers, or other concerned organizations or individuals concerning violations of this section. The Secretary shall investigate and resolve each such complaint within 120 days after receipt of the complaint.

[(B) When the Secretary arranges for services pursuant to this subsection, the Secretary shall, after consultation with the appropriate public and private school officials, pay to the provider the cost of such services, including the administrative cost of arranging for such services, from the appropriate allocation or allocations under this chapter.

[(C) Pending final resolution of any investigation or complaint that could result in a determination under this subsection, the Secretary may withhold from the allocation of the affected State or local educational agency the amount the Secretary estimates would be necessary to pay the cost of such services.

[(D) Any determination by the Secretary under this section shall continue in effect until the Secretary determines that there will no longer be any failure or inability on the part of the local educational agency to meet the requirements of subsection (a).

[(4)(A) The Secretary shall not take any final action under this subsection until the State educational agency and local educational agency affected by such action have had an opportunity, for at least 45 days after receiving written notice thereof, to submit written objections and to appear before the Secretary or a designee to show cause why such action should not be taken.

[(B) If a State, or local educational agency is dissatisfied with the Secretary's final action after a proceeding under subparagraph (A) of this paragraph, it may, within 60 days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceedings on which the Secretary's action was based, as provided in section 2112 of title 28, United States Code.

[(C) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify the previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

[(D) Upon the filing of a petition under subparagraph (B), the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

[(c) PRIOR DETERMINATION.—Any bypass determination by the Secretary under title I of the Elementary and Secondary Education Act of 1965, as in effect prior to July 1, 1988, or chapter 1 of the Education Consolidation and Improvement Act of 1981 shall remain in effect to the extent consistent with the purposes of this chapter.

[(d) CAPITAL EXPENSES.—

[(1) A local educational agency may apply to the State educational agency for payments for capital expenses consistent with the provisions of this subsection. State educational agencies shall distribute funds to local educational agencies based on the degree of need as set forth in the application. Such an application shall contain information on such capital expenses by fiscal year and shall contain an assurance that any funds received pursuant to this subsection shall be used solely for purposes of the program authorized by this chapter.

[(2)(A) From the amount appropriated for the purposes of this subsection for any fiscal year, the amount which each State shall be eligible to receive shall be an amount which bears the same ratio to the amount appropriated as the number of children enrolled in private schools who were served under chapter 1 of the Education Consolidation and Improvement Act of 1981 in the State during the period July 1, 1984 through June 30, 1985, bears to the total number of such children served during such period in all States.

[(B) Amounts which are not used by a State for the purposes of this subsection shall be reallocated by the Secretary among other States on the basis of need.

[(3) There is authorized to be appropriated $30,000,000 for fiscal year 1988, $40,000,000 for the fiscal year 1989, and such sums as may be necessary for each of the fiscal years 1990, 1991, 1992, and 1993. Any sums appropriated under this provision shall be used for increases in capital expenses paid from funds under chapter 1 of the Education Consolidation and Improvement Act or this section subsequent to July 1, 1985, of local educational agencies in providing the instructional services required under section 557 of the Education Consolidation and Improvement Act and this section, when without such funds, services to private schoolchildren would have been or have been reduced or would be reduced or adversely affected.

[(4) For the purposes of this subsection, the term "capital expenses" is limited to expenditures for noninstructional goods and services such as the purchase, lease and renovation of real and personal property (including but not limited to mobile educational units and leasing of neutral sites or space), insurance and maintenance costs, transportation, and other comparable goods and services.

[SEC. 1018. FISCAL REQUIREMENTS.

[(a) MAINTENANCE OF EFFORT.—

[(1) Except as provided in paragraph (2), a local educational agency may receive funds under this chapter for any fiscal year only if the State educational agency finds that either the combined fiscal effort per student or the aggregate expenditures of that agency and the State with respect to the provision of free public education by that agency for the preceding fiscal year was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second preceding fiscal year.

[(2) The State educational agency shall reduce the amount of the allocation of funds under this chapter in any fiscal year in the exact proportion to which a local educational agency fails to meet the requirement of paragraph (1) by falling below 90 percent of both the combined fiscal effort per student and aggregate expenditures (using the measure most favorable to such local agency), and no such lesser amount shall be used for computing the effort required under paragraph (1) for subsequent years.

[(3) Each State educational agency may waive, for 1 fiscal year only, the requirements of this subsection if the State educational agency determines that such a waiver would be equitable due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the local educational agency.

[(b) FEDERAL FUNDS TO SUPPLEMENT, NOT SUPPLANT REGULAR NON-FEDERAL FUNDS.—A State educational agency or other State agency in operating its State level programs or a local educational agency may use funds received under this chapter only so as to supplement and, to the extent practicable, increase the level of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of pupils participating in programs and projects assisted under this chapter and in no case may such funds be so used as to supplant such funds from such non-Federal sources. In order to demonstrate compliance with this subsection, no State educational agency, other State agency, or local educational agency shall be required to provide services under this chapter through use of a particular instructional method or in a particular instructional setting.

[(c) COMPARABILITY OF SERVICES.—

[(1) A local educational agency may receive funds under this chapter only if State and local funds will be used in the district of such agency to provide services in project areas which, taken as a whole, are at least comparable to services being provided in areas in such district which are not receiving funds under this chapter. Where all school attendance areas in the district of the agency are designated as project areas, the agency may receive such funds only if State and local funds are used to provide services which, taken as a whole, are substantially comparable in each project area.

[(2)(A) A local educational agency shall be considered to have met the requirements of paragraph (1) if it has filed with the State educational agency a written assurance that it has established and implemented—

[(i) a districtwide salary schedule;

[(ii) a policy to ensure equivalence among schools in teachers, administrators, and auxiliary personnel; and

[(iii) a policy to ensure equivalence among schools in the provision of curriculum materials and instructional supplies.

[(B) Unpredictable changes in student enrollment or personnel assignments which occur after the beginning of a school year shall not be included as a factor in determining comparability of services.

[(3) Each educational agency shall develop procedures for compliance with the provisions of this subsection, and shall annually maintain records documenting compliance. Each State educational agency shall monitor the compliance of local educational agencies within the States with respect to the requirements of this subsection.

[(4) Each local educational agency with not more than 1 building for each grade span shall not be subject to the provisions of this subsection.

[(5) Each local educational agency which is found to be out of compliance with this subsection shall be subject to withholding or repayment of funds only to the amount or percentage by which the local educational agency has failed to comply.

[(d) EXCLUSION OF SPECIAL STATE AND LOCAL PROGRAM FUNDS.—

[(1)(A) For the purposes of determining compliance with the requirements of subsections (d) and (c), a local educational agency or a State agency operating a program under part D of this chapter may exclude State and local funds expended for carrying out special programs to meet the educational needs of educationally deprived children including compensatory education for educationally deprived children after prior determination pursuant to paragraphs (3) and (4) of this subsection that such programs meet the requirements of subparagraph (B).

[(B) A State or local program meets the requirements of this subparagraph if it is similar to programs assisted under this part. The Secretary shall consider a State or local program to be similar to programs assisted under this part if—

[(i) all children participating in the program are educationally deprived,

[(ii) the program is based on similar performance objectives related to educational achievement and is evaluated in a manner consistent with those performance objectives,

[(iii) the program provides supplementary services designed to meet the special educational needs of the children who are participating,

[(iv) the local educational agency keeps such records and affords such access thereto as are necessary to assure the correctness and verification of the requirements of this subparagraph, and

[(v) the State educational agency monitors performance under the program to assure that the requirements of this subparagraph are met.

[(2)(A) For the purpose of determining compliance with the requirements of subsection (c), a local educational agency may exclude State and local funds expended for—

[(i) bilingual education for children of limited English proficiency,

[(ii) special education for handicapped children, and [(iii) certain State phase-in programs as described in subparagraph (B).

[(B) A State education program which is being phased into full operation meets the requirements of this subparagraph if the Secretary is satisfied that—

[(i) the program is authorized and governed specifically by the provisions of State law;

[(ii) the purpose of the program is to provide for the comprehensive and systematic restructuring of the total educational environment at the level of the individual school;

[(iii) the program is based on objectives, including but not limited to, performance objectives related to educational achievement and is evaluated in a manner consistent with those objectives;

[(iv) parents and school staff are involved in comprehensive planning, implementation, and evaluation of the program;

[(v) the program will benefit all children in a particular school or grade-span within a school;

[(vi) schools participating in a program describe, in a school level plan, program strategies for meeting the special educational needs of educationally deprived children;

[(vii) at all times during such phase-in period at least 50 percent of the schools participating in the program are the schools serving project areas which have the greatest number of concentrations of educationally deprived children; or children from low-income families;

[(viii) State funds made available for the phase-in program will supplement, and not supplant, State and local funds which would, in the absence of the phase-in program, have been provided for schools participating in such program;

[(ix) the local educational agency is separately accountable, for purposes of compliance with the clauses of this subparagraph, to the State educational agency for any funds expended for such program; and

[(x) the local educational agencies carrying out the program are complying with the clauses of this subparagraph and the State educational agency is complying with applicable provisions of this paragraph.

[(3) The Secretary shall make an advance determination of whether or not a State program meets the requirements of this subsection. The Secretary shall require each State educational agency to submit the provisions of State law together with implementing rules, regulations, orders, guidelines, and interpretations which are necessary for an advance determination. The Secretary's determination shall be in writing and shall include the reasons for the determination. Whenever there is any material change in pertinent State law affecting the program, the State educational agency shall submit such changes to the Secretary.

[(4) The State educational agency shall make an advance determination of whether or not a local program meets the requirements of this subsection. The State educational agency shall require each local educational agency to submit the provisions of local law, together with implementing rules, regulations, guidelines, and interpretations which are necessary to make such an advance determination. The State educational agency's determination shall be in writing and shall include the reasons for the determination. Whenever there is any material change in pertinent local law affecting the program, the local educational agency shall submit such changes to the State educational agency.

[SEC. 1019. EVALUATIONS.

[(a) LOCAL EVALUATION.—Each local educational agency shall—

[(1) evaluate the effectiveness of programs assisted under this part, in accordance with national standards developed according to section 1435, at least once every 3 years (using objective measurement of individual student achievement in basic skills and more advanced skills, aggregated for the local educational agency as a whole) as an indicator of the impact of the program;

[(2) submit such evaluation results to the States educational agency at least once during each 3-year application cycle;

[(3) determine whether improved performance under paragraph (1) is sustained over a period of more than one program year.

[(b) STATE EVALUATIONS.—In accordance with national standards, each State educational agency shall—

[(1) conduct an evaluation (based on local evaluation data collected under subsection (a) and sections 1107(b), 1202(a)(6), and 1242(d)) of the programs assisted under this chapter at least every 2 years, submit that evaluation to the Secretary and make public and results of that evaluation;

[(2) inform local educational agencies, in advance, of the specific evaluation data that will be needed and how it may be collected; and

[(3) collect data on the race, age, gender, and number of children with handicapping conditions served by the programs assisted under this chapter and on the number of children served by grade-level under the programs assisted under this chapter and annually submit such data to the Secretary.

[(c) SPCIAL CONDITION.—Projects funded under this part that serve only preschool, kindergarten, or first grade students or students in such grade levels who are included in projects serving children above such grade levels shall not be subject to the requirements of subsection (a).

[SEC. 1020. STATE EDUCATIONAL PROGRAM IMPROVEMENT PLAN.

[(a) PLAN REQUIREMENTS.—A State educational agency which receives funds under part A, part C, and part E of this chapter shall develop, in consultation with a committee of practitioners constituted pursuant to section 1451(b) of this chapter, a plan to ensure implementation of the provisions of this section and section 1021. Each such plan shall contain, but shall not be limited to—

[(1) the objective measures and standards the State educational agency and other agencies receiving funds under part

A, part C, and part E of this chapter will use to assess aggregate performance pursuant to section 1021, and may include implementation of section 1019;

[(2) the means the State educational agency will use to develop joint plans with local educational agencies which have identified, pursuant to section 1021(b), schools in need of program improvement to attain satisfactory student progress, the timetable for developing and implementing such plans (within parameters defined pursuant to section 1431) and the program improvement assistance that will be provided to such schools pursuant to section 1021. Such program improvement assistance may include, but shall not be limited to, training and retraining of personnel, development of curricula that has shown promise in similar schools, replication of promising practices in effective schools models, improving coordination between programs assisted under this chapter and the regular school program, and the development of innovative strategies to enhance parental involvement.

[(b) Dissemination and Availability of Plan.—(1) The State educational agency shall disseminate the plan developed under this subsection to all local educational agencies and other State agencies receiving funds under this chapter.

[(2) The State educational program improvement plan shall be available at the State educational agency for inspection by the Secretary and may be amended by the State educational agency after consultation with a committee of practitioners when necessary.

[(c) Availablility of Funds.—In any fiscal year for which appropriations are made pursuant to section 1405, the State educational agency shall fully implement the program improvement activities described in sections 1020 and 1021. In any fiscal year for which appropriations are not made, the State educational agency shall conduct, at a minimum, the activities required under section 1021(d), and other program improvement activities to the extent practicable.

[SEC. 1021. PROGRAM IMPROVEMENT.

[(a) Local Review.—Each local educational agency shall—

[(1) conduct an annual review of the program's effectiveness in improving student performance for which purpose the local educational agency shall use outcomes developed pursuant to section 1012 and subsection (b) of this section, and make the results of such review available to teachers, parents of participating children, and other appropriate parties;

[(2) determine whether improved performance under paragraph (1) is sustained over a period of more than one program year;

[(3) use the results of such review and of evaluation pursuant to section 1019 in program improvement efforts required by section 1021(b); and

[(4) annually assess through consultation with parents, the effectiveness of the parental involvement program and determine what action needs to be taken, if any, to increase parental participation.

[(b) School Program Improvement.—(1) With respect to each school which does not show substantial progress toward meeting the desired outcomes described in the local educational agency's application under section 1012(a) or shows no improvement or a decline in aggregate performance of children served under this chapter for one school year as assessed by measures developed pursuant to section 1019(a) or subsection (a), pursuant to the program improvement timetable developed under section 1020 and 1431, the local educational agency shall—

[(A) develop and implement in coordination with such school a plan for program improvement which shall describe how such agency will identify and modify programs funded under this chapter for schools and children pursuant to this section and which shall incorporate those program changes which have the greatest likelihood of improving the performance of educationally disadvantaged children, including—

[(i) a description of educational strategies designed to achieve the stated program outcomes or to otherwise improve the performance and meet the needs of eligible children; and

[(ii) a description of the resources, and how such resources will be applied, to carry out the strategies selected, including, as appropriate, qualified personnel, inservice training, curriculum materials, equipment, and physical facilities; and, where appropriate

[(I) technical assistance;

[(II) alternative curriculum that has shown promise in similar schools;

[(III) improving coordination between part A and part C of this chapter and the regular school program;

[(IV) evaluation of parent involvement;

[(V) appropriate inservice training for staff paid with funds under this chapter and other staff who teach children served under this chapter; and

[(VI) other measures selected by the local educational agency; and

[(B) submit the plan to the local school board and the State educational agency, and make it available to parents of children served under this chapter in that school.

[(2) A school which has 10 or fewer students served during an entire program year shall not be subject to the requirements of this subsection.

[(c) DISCRETIONARY ASSISTANCE.—The local educational agency may apply to the State educational agency for program improvement assistance funds authorized under section 1405.

[(d) STATE ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES.—(1) if after the locally developed program improvement plan shall have been in effect according to the timetable established under sections 1020 and 1431, the aggregate performance of children served under this chapter in a school does not meet the standards stated in subsections (a) and (b), the local educational agency shall, with the State educational agency, and in consultation with school staff and parents of participating children, develop and implement a joint plan for program improvement in that school until improved performance is sustained over a period of more than 1 year.

[(2) The State educational agency shall ensure that program improvement assistance is provided to each school identified under paragraph (1).

[(e) LOCAL CONDITIONS.—The local educational agency and the State educational agency, in performing their responsibilities under this section, shall take into consideration—

[(1) the mobility of the student population,

[(2) the extent of educational deprivation among program participants which may negatively affect improvement efforts,

[(3) the difficulties involved in dealing with older children in secondary school programs funded under this chapter,

[(4) whether indicators other than improved achievement demonstrate the positive effects on participating children of the activities funded under this chapter, and

[(5) whether a change in the review cycle pursuant to section 1019 or 1021(a)(1) or in the measurement instrument used or other measure-related phenomena has rendered results invalid or unreliable for the particular year.

[(f) STUDENT PROGRAM IMPROVEMENT.—On the basis of the evaluations and reviews under sections 1019(a)(1) and 1021(a)(1), each local educational agency shall—

[(1) identify students who have been served for a program year and have not met the standards stated in subsections (a) and (b),

[(2) consider modifications in the program offered to better serve students so identified, and

[(3) conduct a thorough assessment of the educational needs of students who remain in the program after 2 consecutive years of participation and have not met the standards stated in subsection (a).

[(g) PROGRAM IMPROVEMENT ASSISTANCE.—In carrying out the program improvement and student improvement activities required in subsections (a), (b), (c), and (d), local educational agencies and State educational agencies shall utilize the resources of the regional technical assistance centers and appropriate regional rural assistance programs established by section 1456 to the full extent such resources are available.

[(h) FURTHER ACTION.—If the State educational agency finds that, consistent with the program improvement timetable established under sections 1020 and 1431, after one year under the joint plan developed pursuant to subsection (d), including services in accordance with section 1017, a school which continues to fall below the standards for improvement stated in subsections (a) and (b) with regard to the aggregate performance of children served under part A, part C, and part E of the chapter, the State educational agency shall, with the local educational agency, review the joint plan and make revisions which are designed to improve performance, and continue to do so each consecutive year until such performance is sustained over a period of more than one year. Nothing in this section or section 1020 shall be construed to give the State any authority concerning the educational program for a local educational agency that does not otherwise exist under State law.

[(i) MUTUAL AGREEMENT.—Before any joint plan may be implemented under subsection (d) and subsection (h) both the local educational agency and State educational agency must approve such plan.

[PART B—EVEN START FAMILY LITERACY PROGRAMS

[SEC. 1051. STATEMENT OF PURPOSE.

[It is the purpose of this part to improve the educational opportunities of the Nation's children and adults by integrating early childhood education and adult education for parents into a unified program to be referred to as "Even Start". The program shall be implemented through cooperative projects that build on existing community resources to create a new range of services.

[SEC. 1052. PROGRAM AUTHORIZATION.

[(a) GRANTS BY THE SECRETARY.—In any fiscal year in which the appropriations for this part do not equal or exceed $50,000,000, the Secretary is authorized, in accordance with the provisions of this part which are not inconsistent with the provisions of this subsection, to make grants to eligible entities to carry out Even Start programs.

[(b) STATE GRANT PROGRAM.—(1) In any fiscal year in which the appropriations for this part equal or exceed $50,000,000, the Secretary is authorized, in accordance with the provisions of this part, to make grants to States from allocations under section 1053 to enable States to carry out Even Start programs.

[(2) In any fiscal year in which this subsection applies, no State shall award a grant under this part for an amount less than $75,000.

[(3) In any year in which this subsection applies, each State that receives a grant under this part may use not more than 5 percent of assistance provided under the grant for costs of—

[(A) administration; and

[(B) the provision, through grant or contract, of technical assistance for program improvement and replication to eligible entities that receive grants under this part.

[(c) RESERVATION.—From amounts appropriated for purposes of carrying out this part, the Secretary may reserve an amount equal to not more than 2 percent of such amounts or the amount reserved for such purposes in the fiscal year 1991, whichever is greater, for purposes of—

[(1) carrying out the evaluation required by section 1058; and

[(2) providing, through grant or contract, technical assistance for program improvement and replication to eligible entities that receive grants under this part.

[(d) DEFINITIONS.—For the purpose of this part.

[(1) The term "eligible entity" means—

[(A) a local educational agency applying in collaboration with a community-based organization, public agency, institution of higher education, or other nonprofit organization; or

[(B) a community-based organization, or other non-profit organization of demonstrated quality applying in collaboration with a local educational agency.

[(2) The terms "Indian tribe" and "tribal organization" have the respective meanings given such terms in section 4 of the Indian Self-Determination and Education Assistance Act.

[(3) The term "State" includes each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

[SEC. 1053. ALLOCATION.

[(a) RESERVATION FOR MIGRANT PROGRAMS AND TERRITORIES.—(1) In each fiscal year in which section 1052(a) applies, the Secretary shall first reserve for programs consistent with the purpose of this part—

[(A) for programs for migrant children, which shall be conducted through the Office of Migrant Education, an amount equal to 3 percent of the amount appropriated for purposes of carrying out this part; and

[(B) for allocations to Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and Palau (until the Compact of Free Association with Palau takes effect pursuant to section 101(a) of Public Law 99–658), and to Indian tribes and tribal organizations, an amount comparable to their relative need.

[(2) In each fiscal year in which section 1052(b) applies, the Secretary shall first reserve for programs consistent with the purpose of this part, an amount equal to 5 percent of the amount appropriated for purposes of carrying out this part, of which—

[(A) amounts shall be allocated for programs for migrant children, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and Palau (until the Compact of Free Association with Palau takes effect pursuant to section 101(a) of Public Law 99–658), and Indian tribes and tribal organizations, according to their relative need; but

[(B) in no case shall the amount reserved for programs for migrant children be less than the amount reserved for such programs in the preceding fiscal year.

[(b) STATE ALLOCATION.—Except as provided in section 1052(a) and subsection (c) of this section, each State shall be eligible to receive a grant under this part in each fiscal year that bears the same ratio to the remainder of the amount appropriated under section 1052(b) in that fiscal year as the amount allocated under section 1005 of this Act to the local educational agencies in the State bears to the total amount allocated to such agencies in all States.

[(c) STATE MINIMUM.—(1) Subject to the provisions of paragraph (2), no State shall receive less than the greater of—

[(A) one-half of one percent of the amount appropriated for this part and allocated under subsection (b) for any fiscal year; or

[(B) $250,000.

[(2)(A) No State shall, by reason of the application of the provisions of paragraph (1)(A) of this subsection, be allocated more than—

[(i) 150 percent of the amount that the State received in the fiscal year preceding the fiscal year for which the determination is made, or

[(ii) the amount calculated under subparagraph (B),

whichever is less.

[(B) For the purpose of subparagraph (A)(ii), the amount for each State equals—

[(i) the number of children in such State counted for purposes of this part in the fiscal year specified in subparagraph (A),

multiplied by

[(ii) 150 percent of the national average per pupil payment made with funds available under this part for that year.

[SEC. 1054. USES OF FUNDS.

[(a) IN GENERAL.—In carrying out the program under this part, funds made available to an eligible entity shall be used to pay the Federal share of the cost of providing family-centered education programs which involve parents and children in a cooperative effort to help parents become full partners in the education of their children and to assist children in reaching their full potential as learners.

[(b) PROGRAM ELEMENTS.—Each program assisted under this part shall include—

[(1) the identification and recruitment of eligible children;

[(2) screening and preparation of parents and children for participation, including testing, referral to necessary counseling, other developmental and support services, and related services;

[(3) design of programs and provision of support services (when unavailable from other sources) appropriate to the participants' work and other responsibilities, including—

[(A) scheduling and location of services to allow joint participation by parents and children;

[(B) child care for the period that parents are involved in the program provided for under this part; and

[(C) transportation for the purpose of enabling parents and their children to participate in the program authorized by this part:

[(4) the establishment of instructional programs that promote adult literacy, training parents to support the educational growth of their children, and preparation of children for success in regular school programs;

[(5) provision of special training to enable staff to develop the skills necessary to work with parents and young children in the full range of instructional services offered through this part (including child care staff in programs enrolling children of participants under this part on a space available basis);

[(6) provision of and monitoring of integrated instructional services to participating parents and children through home-based programs; and

[(7) coordination of programs assisted under this part with programs assisted under this chapter and any relevant program under chapter 2 of this title, the Adult Education Act, the Individuals with Disabilities Education Act, the Job Training Partnership Act, and with the Head Start program, volunteer literacy programs, and other relevant programs.

[(c) FEDERAL SHARE LIMITATION.—(1) The Federal share under this part may be—

[(A) not more than 90 percent of the total cost of the program in the first year the eligible entity receives assistance under this part,

[(B) 80 percent in the second such year,

[(C) 70 percent in the third such year, and

[(D) 60 percent in the fourth and any subsequent such year.

Funds may not be used for indirect costs. The remaining cost may be provided in cash or in kind, fairly evaluated, and may be obtained from any source other than funds made available for programs under this chapter.

[(2) The Secretary (in any fiscal year in which section 1052(a) applies) or the State educational agency (in any fiscal year in which section 1052(b) applies) may waive, in whole or in part, the requirement that all or part of the remaining cost described in paragraph (1) be obtained from sources other than funds made available under this chapter if an eligible entity—

[(A) demonstrates that it otherwise would not be able to participate in the program under this part; and

[(B) negotiates an agreement with the Secretary or the State educational agency, as appropriate, with respect to the amount of the remaining cost to which the waiver would be applicable.

[SEC. 1055. ELIGIBLE PARTICIPANTS.

[(a) In General.—Except as provided in subsection (b), eligible participants shall be—

[(1) a parent or parents who are eligible for participation in an adult basic education program under the Adult Education Act; and

[(2) the child or children (from birth to age 7, inclusive), of any individual under paragraph (1), who reside in a school attendance area designated for participation in program under part A.

[(b) Continuation of Eligibility for Certain Participants.—Any family participating in the program under this part that becomes ineligible for such participation as a result to of 1 or more members of the family becoming ineligible for such participation, may continue to participate in the program until all members of the family become ineligible for participation, which—

[(1) in the case of a family in which ineligibility was due to the child or children of such family attaining the age of 8, shall be when the parent or parents become ineligible due to educational advancement, and

[(2) in the case of a family in which ineligibility was due to the educational advancement of the parent or parents of such family, shall be when all children in the family attain the age of 8.

[SEC. 1056. APPLICATIONS.

[(a) Submission.—To be eligible to receive a grant under this part an eligible entity shall submit an application to the Secretary under section 1052(a) and to the State educational agency under section 1052(b) in such form and containing or accompanied by such information as the Secretary or the State educational agency, as the case may be, may require.

[(b) REQUIRED DOCUMENTATION.—Such application shall include documentation that the eligible entity has the qualified personnel required—

[(1) to develop, administer, and implement the program required by this part, and

[(2) to provide special training necessary to prepare staff for the program.

[(c) PLAN.—Such application shall also include a plan of operation for the program which indcludes—

[(1) a description of the program goals;

[(2) a description of the activities and services which will be provided under the program (including training and preparation of staff);

[(3) a description of the population to be served and an estimate of the number of participants;

[(4) if appropriate, a description of the collaborative efforts of the institutions of higher education, community-based organizations, the appropriate State educational agency, private elementary schools, or other appropriate nonprofit organizations in carrying out the program for which assistance is sought;

[(5) a statement of the methods which will be used—

[(A) to ensure that the programs will serve those eligible participants most in need of the activities and services provided by this part;

[(B) to provide services under this part to special populations, such as indivduals with limited English proficiency and individuals with handicaps; and

[(C) to encourage participants to remain in the programs for a time sufficient to meet program goal; and

[(6) a description of the methods by which the applicant will coordinate programs under this part with programs under chapter 1 and chapter 2, where appropraite, of this title, the Adult Education Act, the Job Training Partnership Act, and with Head Start programs, volunteer literacy programs, and other relevant programs.

[SEC. 1057. AWARD OF GRANTS.

[(a) SELECTION PROCESS.—(1) The Secretary or each State educational agency, as the case may be, shall appoint a review panel that will award grants on the basis of proposals which—

[(A) are most likely to be successful in meeting the goals of this part;

[(B) demonstrate that the area to be served by such program has a high percentage or a large number of children and adults who are in need of such services as indicated by high levels of poverty, illiteracy, unemployment, limited English proficiency, or other need-related indictors;

[(C) demonstrate the greatest degree of cooperation and coordination between a variety of relevant service providers in all phases of the program;

[(D) submit budgets which appear reasonable, given the scope of the proposal;

[(E) demonstrate the eligible entity's ability to provide additional funding under section 1054(c);

[(F) are representative of urban and rural regions of the State or of the United States, as the case may be; and

[(G) show the greatest promise for providing models which may be transferred to other local educational agencies.

[(2) The review panel shall give priority for grants under this subsection to proposals which—

[(A) make the demonstration described in paragraph (1)(B); and

[(B) demonstrate an ability to operate an effective program.

[(b) Review Panel.—A review panel shall, to the extent practicable, consist of 7 members as follows:

[(1) an early childhhood education professional;

[(2) an adult education professional;

[(3) a representative of parent-child education organizations;

[(4) a representative of community-based literacy organizations;

[(5) a member of a local board of education;

[(6) a representative of business and industry with a commitment to education; and

[(7) an individual involved in the implementation of programs under this chapter within the State.

The panel shall contain members described in paragraphs (1), (2), (6) and (7).

[(c) Distribution of Assistance.—(1) In approving grants under this part pursuant to section 1052(a), the Secretary shall ensure a representative distribution of assistance among the States and among urban and rural areas of the United States.

[(2) In approving grants under this part pursuant to section 1052(b), the review panel shall ensure a representative distribution of assistance between urban and rural areas of the State.

[(d) Duration.—(1) Grants may be awarded for a period not to exceed 4 years. In any application from an eligible entity for a grant to continue a project for the second, third, or fourth fiscal year following the first fiscal year in which a grant was awarded to such eligible entity, the Secretary or the State educational agency, as the case may be, shall review the progress being made toward meeting the objectives of the project. The Secretary or the State educational agency, as the case may be, may refuse to award a grant if the Secretary or such agency finds that sufficient progress has not been made toward meeting such objectives, but only after affording the applicant notice and an opportunity for a hearing.

[(2) The Secretary shall establish criteria for carrying out the provisions of paragraph (1) in the transition fiscal year whenever the provisions of section 1052(b) apply to authorized State grant programs.

[SEC. 1058. EVALUATION.

[(a) Independent Annual Evaluation.—The Secretary shall provide for the annual independent evaluation of programs under this part to determine their effectiveness in providing—

[(1) services to special populations;

[(2) adult education services;

[(3) parent training;

[(4) home-based programs involving parents and children, [(5) coordinate with related programs; and

[(6) training of related personnel in appropriate skill areas.

[(b) CRITERIA.—

[(1) each evaluation shall be conducted by individuals not directly involved in the administration of the program or project operated under this part. Such independent evaluators and the program administrators shall jointly develop evaluation criteria which provide for appropriate analysis of the factors under subsection (a). When possible, each evaluation shall include comparisons with appropriate control groups.

[(2) In order to determine a program's effectiveness in achieving its stated goals, each evaluation shall contain objective measures of such goals and, whenever feasible, shall obtain the specific views of program participants about such programs.

[(c) REPORT TO CONGRESS AND DISSEMINATION.—The Secretary shall prepare and submit to the Congress a review and summary of the results of such evaluations not later than September 30, 1993. The annual evaluations shall be submitted to the National Diffusion Network for consideration for possible dissemination.

[SEC. 1059. AUTHORIZATION OF APPROPRIATIONS.

[There are authorized to be appropriated for purposes of carrying out this part such sums as may be necessary for the fiscal year 1991, $100,000,000 for the fiscal year 1992, and such sums as may be necessary for the fiscal year 1993.

[PART C—SECONDARY SCHOOL PROGRAMS FOR BASIC SKILLS IMPROVEMENT AND DROPOUT PREVENTION AND REENTRY

[SEC. 1101. PURPOSE.

[It is the purpose of this subpart to provide additional assistance to local educational agencies with high concentrations of low-income children, low-achieving children, or school dropouts to improve the achievement of educationally disadvantaged children enrolled in secondary schools of such agencies, and to reduce the number of youths who do not complete their elementary and secondary education.

[SEC. 1102. ALLOCATION.

[(a) RESERVATIONS.—From the amount appropriated under section 1110 for each of the fiscal years 1992 and 1993, the Secretary shall first reserve—

[(1) an amount equal to 3 percent of such amount for programs consistent with the purpose of this part for school dropout prevention and reentry programs and secondary school basic skills improvement programs for migrant children, to be conducted through the Office of Migrant Education; and

[(2) an amount equal to 5 percent of such amount for replication and technical assistance activities.

[(b) STATE ALLOCATION.—Except as provided in subsection (c), each State shall be eligible to receive a grant under this part in each fiscal year that bears the same ratio to the remainder of the amount appropriated in that fiscal year as the amount allocated under section 1005 of this Act to the local educational agencies in the State bears to the total amount allocated to such agencies in all States.

[(c) STATE MINIMUM.—(1) No State shall receive less than the greater of—

[(A) one-quarter of 1 percent of the amount appropriated for this part and allocated under subsection (b) for any fiscal year; or

[(B) $250,000.

[(2)(A) No State shall, by reason of the application of the provisions of paragraph (1)(A) of this subsection, be allotted more than—

[(i) 150 percent of the amount that the State received in the fiscal year preceding the fiscal year for which the determination is made, or

[(ii) the amount calculated under subparagraph (B),

whichever is less.

[(B) For the purpose of subparagraph (A)(ii), the amount for each State equals—

[(i) the number of children in such State counted for purposes of this part in the fiscal year specified in subparagraph (A),

multiplied by

[(ii) 150 percent of the national average per pupil payment made with funds available under this part for that year.

[(d) LOCAL EDUCATIONAL AGENCY ALLOCATION.—Each State educational agency shall allocate funds among local educational agencies in the State on the basis of—

[(1) the eligibility of such agency for funds under section 1005 of this Act; and

[(2) the criteria described in section 1105.

Each local educational agency may carry out the activities described in section 1103 in cooperation with community-based organizations.

[(e) STATE ADMINISTRATION.—A State may reserve not more than 5 percent of the amounts available under this part for any fiscal year for State administrative costs.

[SEC. 1103. USES OF FUNDS.

[(a) GENERAL RULE.—

[(1) A local educational agency may use—

[(A) not to exceed 50 percent of funds paid under this part in any fiscal year for dropout prevention and reentry activities pursuant to subsection (c); and

[(B) the remainder of such funds for secondary schools basic skills improvement activities pursuant to subsection (b).

[(2) A community-based organization shall use all funds paid under this part in any fiscal year for dropout prevention and reentry activities pursuant to subsection (c).

[(b) BASIC SKILLS FOR SECONDARY SCHOOLS.—Funds made available under this subpart may be used—

[(1) to initiate or expand programs designed to meet the special educational needs of secondary school students and to help such students attain grade level proficiency in basic skills, and, as appropriated learn more advanced skills;

[(2) to develop innovative approaches for—

[(A) surmounting barriers that make secondary school programs under this subpart difficult for certain students to attend and difficult for secondary schools to administer, such as scheduling problems; and

[(B) courses leading to successful completion of the general education development test or of graduation requirements;

[(3) to develop and implement innovative programs involving community-based organizations or the private sector, or both, to provide motivational activities, preemployment training, or transition-to-work activities;

[(4) to provide programs for eligible students outside the school, with the goal of reaching school dropouts who will not reenter the traditional school, for the purpose of providing compensatory education, basic skills education, or courses for general educational development;

[(5) to use the resources of the community to assist in providing services to the target population;

[(6) to provide training for staff who will work with the target population on strategies and techniques for identifying, instruction, and assisting such students;

[(7) to provide guidance and counseling activities, support services, exploration of postsecondary educational opportunities, youth employment activities, and other student services which are necessary to assist eligible students; and

[(8) to recruit, train, and supervise secondary school students (including the provision of stipends to students in greatest need of financial assistance) to serve as tutors of other students eligible for services under this subpart and under part A, in other to assist such eligible students with homework assignments, provide instructional activities, and foster good study habits and improved achievement.

[(c) USES OF FUNDS FOR SCHOOL DROPOUT PREVENTION AND REENTRY PROJECTS.—Funds made available under this subsection may be used for—

[(1) effective programs which identify potential student dropouts and prevent them from dropping out of elementary and secondary school;

[(2) effective programs which identify and encourage children who have already dropped out to reenter school and complete their elementary and secondary education;

[(3) effective programs for early intervention designed to identify at-risk students in elementary and early secondary schools;

[(4) model systems for collecting and reporting information to local school officials on the number, ages, and grade levels of the children not completing their elementary and secondary education and the reasons why such children have dropped out of school;

[(5) school dropout programs which include coordinated services and activities with programs of vocational education, adult basic education, and programs under the job Training Partnership Act;

[(6) projects which are carried out in consortia with a community-based organization, any nonprofit private organization, institution of higher education, State educational agency, State and local public agencies, private industry councils (established under the Job Training Partnership Act) museum, library, or educational television or broadcasting station, or community-based organization; or

[(7) any of the activities described in section 6005 or 6006 of title VI.

[(d) WITHIN-STATE ALLOCATION.—

[(1) Each State educational agency, from funds received under this part—

[(A) shall first reserve an amount equal to 5 percent of such funds for programs consistent with the purpose of this part for school dropout prevention and reentry programs conducted by community-based organizations that have demonstrated effectiveness in programs for dropout prevention and reentry activities or basic skills improvement activities; and

[(B) shall then allocate funds among local educational agencies in the State on the basis of—

[(i) the eligibility of such agency for funds under section 1005; and

[(ii) the criteria described in section 1105.

[(2) Each local educational agency may carry out the activities described in section 1103 in cooperation with community-based organizations.

[SEC. 1104. APPLICATIONS.

[(a) APPLICATION REQUIRED.—Any local educational agency or community-based organization which desires to receive a grant under this part shall submit to the State educational agency an application which describes the program to be supported with funds under this part and complies with the provisions of subsection (b).

[(b) CONTENTS OF APPLICATION.—Each application submitted under subsection (a) shall—

[(1) contain a plan that describes specific proposals for a program to increase the secondary school completion rate of the State by not later than January 1, 2001, by a percentage equal to one-half the difference between 100 percent and the secondary school completion rate for individuals in the State aged 18 to 35, inclusive, as of January 1, 1990;

[(2) assure that requirements for obtaining a certificate of graduation from a school providing secondary education or its equivalent will not be lowered;

[(3) describe the program goals and the manner in which funds will be used to initiate or expand services to secondary school students, school dropouts, and potential school dropouts;

[(4) describe the activities and services which will be provided by the program (including documentation to demonstrate that the local educational agency or community-based organization has the qualified personnel required to develop, administer, and implement the program under this part);

[(5) assure that the programs will be conducted in schools or areas with the greatest need for assistance, in terms of achievement levels, poverty rates, or school dropout rates;

[(6) assure that the programs will serve those eligible students most in need of the activities and services provided by this part;

[(7) assure that services will be provided under this part, as appropriate, to special populations, such as individuals with limited English proficiency and individuals with handicaps;

[(8) assure that parents of eligible students will be involved in the development and implementation of programs under this part;

[(9) describe the methods by which the applicant will coordinate programs under this part with programs for the eligible student population operated by the local educational agency concerned or community-based organizations, as appropriate, social service organizations and agencies, private sector entities, and other agencies, organizations, and institutions, and with programs conducted under the Carl D. Perkins Vocational Education Act, the Adult Education Act, the Job Training Partnership Act, and other relevant Acts;

[(10) assure that, if feasible, the local educational agency or community-based organization will enter into arrangements with local businesses, labor organizations, or chambers of commerce under which such businesses and organizations will help secure employment for graduates of schools operating projects under this part;

[(11) assure that to the extent consistent with the number of students in the school district of the local educational agency concerned who are enrolled in private secondary schools, such agency or community-based organization shall, after timely and meaningful consultation with appropriate private school officials, make provision for including such services and arrangements for the benefit of such students as will assure their equitable participation in the purposes and benefits of this part; and

[(12) provide such other information as the State educational agency may require to determine the nature and quality of the proposed project and the applicant's ability to carry it out.

[(c) SPECIAL RULE.—If the Secretary determines that a local educational agency has substantially failed to comply with paragraph (9) (by reason of State law or otherwise) or is unwilling to provide for such participation on an equitable basis, the Secretary shall waive such requirement, and subject to the provisions of section 1017(b) of part A of this chapter, shall arrange for the provision of services to such students.

[(d) TIME FOR SUBMISSION OF APPLICATIONS.—Each State shall submit to the Secretary—

[(1) an initial application that covers a 3-year period by not later than January 1, 1992;

[(2) an initial or a renewal application that covers a 3-year period by not later than January 1, 1995; and

[(3) a renewal application that covers a 3-year period by not later than January 1, 1998.

[SEC. 1105. AWARD OF GRANTS.

[(a) GENERAL AUTHORITY.—Each State educational agency shall award grants to local educational agencies and community-based organizations within the State which—

[(1) demonstrate the greatest need for services provided under this part based on their numbers of low-income children, numbers of low-achieving children, or numbers of school dropouts.

[(2) are representative of urban and rural regions of the State;

[(3) offer innovative approaches to improving achievement among eligible youth or offer approaches which show promise for replication and dissemination; and

[(4) offer innovative approaches to reducing the number of school dropouts.

[(b) PRIORITIES FOR GRANTS TO COMMUNITY-BASED ORGANIZATIONS.—

[(1) The State educational agency shall give priority for grants from amounts reserved under section 1103(d)(1)(A) to community-based organizations that intend to use funds under the grant to establish or operate model secondary school community education employment centers to meet the education needs of inner-city, low-income youths or rural youths by awarding grants to eligible recipients to establish community education employment centers to provide students with the education, skills, support services, and enrichment necessary to ensure—

[(A) graduation form secondary school;

[(B) successful transition form articulated vocational and academic programs to a broad range of post secondary institutions;

[(C) employment, including military service; and

[(D) integration into America's economic mainstream.

[(2) Each center that is assisted with a grant under this part shall offer—

[(A) a comprehensive program of confidential guidance counseling;

[(B) professional staff members who demonstrate the highest academic, teaching, guidance, or administrative standards, as appropriate; and

[(C) active and informed parental and community participation.

[SEC. 1106. REPORTS; DEVELOPMENT OF INFORMATION BASE.

[(a) REPORTS TO STATES.—Each local educational agency or individual school that receives assistance under a grant made under this part shall annually submit a report to the State describing activities carried out with such assistance and progress toward increasing the secondary school completion rate achieved as a result of such activities.

[(b) REPORTS TO SECRETARY.—Each State shall annually submit a report to the Secretary describing activities carried out with assistance received under this section and progress achieved toward increasing the secondary school completion rate as a result of such activities.

[(c) Development of Information Base.—From information contained in the reports required under subsection (b), the Secretary shall create an information base containing information on dropout prevention programs for use by State and local educational agencies, elementary and secondary schools, and interested community organizations in the development or refinement of dropout prevention programs. The Secretary shall ensure that such information base is easily accessible to such agencies, schools, and organizations.

[SEC. 1107. COORDINATION AND DISSEMINATION.

[(a) Grants to Regional Laboratories.—From an amount equal to 65 percent of the amount reserved under section 1102(a)(2), the Secretary shall make grants to regional laboratories supported by the Secretary under section 405(d)(4)(A)(i) of the General Education Provisions Act for the purpose of—

[(1) identifying model programs for dropout prevention and reentry in their regions;

[(2) disseminating such programs; and

[(3) providing assistance to schools in replicating such programs.

[(b) Activities of the National Diffusion Network.—The Secretary shall provide an amount equal to 45 percent of the amount reserved under section 1102(a)(2) to the National Diffusion Network established under section 1562 for the purpose of replicating model programs for dropout prevention and reentry.

[SEC. 1108. FISCAL REQUIREMENTS AND COORDINATION PROVISIONS.

[(a) General Rule.—(1) The provisions of subsections (a) through (d) of section 1018 of this Act shall apply to the program authorized by this part.

[(2) Administrative Costs.—Not more than 5 percent of a grant may be used for local administrative costs.

[(3) Coordination and Dissemination.—Local educational agencies and community-based organizations receiving grants under this part shall cooperate with the coordination and dissemination efforts of the National Diffusion Network and State educational agencies.

[(b) Special Rule.—Each local educational agency shall use funds under this part to supplement the level of funds under this chapter that are used for secondary school programs.

[(2) In order to comply with paragraph (1), any local educational agency which operates secondary school programs funded under chapter 1 of the Education Consolidation and Improvement Act of 1981 or part A of this Act and which is operating secondary school basic skills programs under this part shall continue the same aggregate level of funding for such programs, at the same schools or at other eligible schools within the local educational agency.

[SEC. 1109. EVALUATION.

[The provisions of sections 1019 and 1021 shall apply to local educational agencies receiving grants under this part.

[SEC. 1110. DEFINITION OF SECONDARY SCHOOL COMPLETION RATE.

[The Secretary shall establish a definition for the term "secondary school completion rate" for purposes of this part.

[SEC. 1111. AUTHORIZATION OF APPROPRIATIONS.

[There are authorized to be appropriated $400,000,000 for the fiscal year 1990, $450,000,000 for the fiscal year 1991, $500,000,000 for the fiscal year 1992, and $500,000,000 for the fiscal year 1993 to carry out this part.

[PART D—PROGRAMS OPERATED BY STATE AGENCIES

[Subpart 1—Programs for Migratory Children

[SEC. 1201. GRANTS—ENTITLEMENT AND AMOUNT.

[(a) ENTITLEMENT.—A State educational agency or a combination of such agencies shall, upon application, be entitled to receive a grant for any fiscal year under this part to establish or improve, either directly or through local educational agencies, programs of education for migratory children of migratory agricultural workers (including migratory agricultural dairy workers) or of migratory fishermen which meet the requirements of section 1202.

[(b) AMOUNT OF GRANT.—(1) Except as provided in section 1291, the total grants which shall be made available for use in any State (other than the Commonwealth of Puerto Rico) for this subpart shall be an amount equal to 40 percent of the average per pupil expenditure in the State (or (A) in the case where the average per pupil expenditure in the State is less than 80 percent of the average per pupil expenditure in the United States, of 80 percent of the average per pupil expenditure in the United States, or (B) in the case where the average per pupil expenditure in the State is more than 120 percent of the average per pupil expenditure in the United States, of 120 percent of the average per pupil expenditure in the United States) multiplied by (i) the estimated number of such migratory children aged 3 to 21 inclusive, who reside in the State full time, and (ii) the full-time equivalent of the estimated number of such migratory children aged 3 to 21, inclusive, who reside in the State part time, as determined by the Secretary in accordance with regulations, except that if, in the case of any State, such amount exceeds the amount required under section 1202, the Secretary shall allocate such excess, to the extent necessary, to other States, whose total of grants under this sentence would otherwise be insufficient for all such children to be served in such other States. In determining the full-time equivalent number of migratory children who are in a State during the summer months, the Secretary shall adjust the number so determined to take into account the special needs of those children for summer programs and the additional costs of operating such programs during the summer. In determining the number of migrant children for the purposes of this section the Secretary shall use statistics made available by the migrant student record transfer system or such other system as the Secretary may determine most accurately and fully reflects the actual number of migrant students. In submitting the information required to make such determination, the States may not exceed a standard error rate of 5 percent.

[(2) To carry out the determinations of eligibility required by this section, the Secretary shall develop a national standard form for certification of migrant students.

[(3) For each fiscal year, the Secretary shall determine the percentage which the average per pupil expenditure in the Commonwealth of Puerto Rico is of the lowest average per pupil expenditure of any of the 50 States. The grant which the Commonwealth of Puerto Rico shall be eligible to receive under this section for a fiscal year shall be the amount arrived at by multiplying the number of such migrant children in the Commonwealth of Puerto Rico by the product of—

[(A) the percentage determined under the preceding sentence, and

[(B) 32 percent of the average per pupil expenditure in the United States

[SEC. 1202. PROGRAM REQUIREMENTS.

[(a) REQUIREMENTS FOR APPROVAL OF APPLICATION.—The Secretary may approve an application submitted under section 1201(a) only upon a determination—

[(1) that payments will be used for programs and projects (including the acquisition of equipment and where necessary the construction of school facilities) which are designed to meet the special educational needs of migratory children of migratory agricultural workers (including migratory agricultural dairy workers) or of migratory fishermen, and to coordinate such programs and projects with similar programs and projects in other States, including the transmittal of pertinent information with respect to school records of such children;

[(2) that in planning and carrying out programs and projects thete has been and will be appropriate coordination with programs administered under section 418 of the Higher Education Act, section 402 of the Job Training Partnership Act, the Individuals with Disabilities Education Act, the Community Services Block Grant Act, the Head Start program, the migrant health program, and all other appropriate programs under the Departments of Education, Labor, and Agriculture;

[(3) that such programs and projects will be administered and carried out in a manner consistent with the basic objectives of section 1011 (other than subsection (b)), sections 1012, 1014, and 1018, and subpart 2 of part F;

[(4) that, in the planning and operation of programs and projects at both the State and local educational agency level, thete is appropriate consultation with parent advisory councils (established in order to comply with this provision) for programs extending for the duration of a school year, and that all programs are carried out in a manner consistent with the requirements of section 1016;

[(5) that, in planning and carrying out programs and projects, there has been adequate assurance that provision will be made for the preschool education needs of migratory children of migratory agricultural workers (including migratory agricultural dairy workers) or of migratory fishermen; and

[(6) that programs conducted under this subpart will be evaluated in terms of their effectiveness in achieving stated goals, including objective measurements of educational achievement in basic skills, and that for formerly migratory children who have been served under this subpart in a full school year program for at least 2 years, such evaluations shall include a determination of whether improved performance is sustained for more than 1 year.

[(b) CONTINUATION OF MIGRANT STATUS.—For purposes of this subpart, with the concurrence of the parents, a migratory child of a migratory agricultural worker (including migratory agricultural dairy workers) or of a migratory fisherman shall be considered to continue to be such a child for a period, not in excess of 5 years. Such children who are currently migrant, as determined pursuant to regulations of the Secretary, shall be given priority in the consideration of programs and activities contained in applications submitted under this section.

[(c) DEFINITIONS.—The Secretary shall continue to use the definitions of "agricultural activity", "currently migratory child", and "fishing activity" which were published in the Federal Register on April 30, 1985, in regulations prescribed under section 555(b) of the Education Consolidation and Improvement Act of 1981 and subpart 1 of part B of title I of the Elementary and Secondary Education Act of 1965 (as in effect on April 30, 1985). No additional definition of "migratory agricultural worker" or "migratory fisherman" may be applied to the provisions of this subpart.

[(d) BYPASS PROVISION.—If the Secretary determines that a State is unable or unwilling to conduct educational programs for migratory children of migratory agricultural workers (including migratory agricultural dairy workers) or of migratory fishermen, that it would result in more efficient and economic administration, or that it would add subsequently to the welfare or educational attainment of such children, the Secretary may make special arrangements with other public or nonprofit private agencies to carry out the purposes of this section in 1 or more States, and for this purpose the Secretary may use all or part of the total of grants available for any such State under this subpart.

[SEC. 1203. COORDINATION OF MIGRANT EDUCATION ACTIVITIES.

[(a) ACTIVITIES AUTHORIZED.—(1) The Secretary is authorized to make grants to, and enter into contracts with, State educational agencies (in consultation with and with the approval of the States) for activities to improve the interstate and intrastate coordination among State and local educational agencies of the educational programs available for migratory students. Each grant issued under this paragraph shall not exceed 3 years for its stated purpose.

[(2)(A) The Secretary is also authorized to enter into contracts with State educational agencies to operate a system for the transfer among State and local educational agencies of migrant student records (including individualized education programs approved under the Individuals with Disabilities Education Act.).

[(B) Except as provided in subparagraph (C), for the purpose of ensuring continuity in the operation of such system, the Secretary shall, not later than July 1 of each year, continue to award such contract to the State educational agency receiving the award in the preceding year, unless a majority of the States notify the Secretary in writing that such agency has substantially failed to perform its responsibilities under the contract during that preceding year.

[(C) Beginning on July 1, 1992, and every 4 years thereafter, the Secretary shall conduct a competition to award such contract.

[(D) No activity under this section shall, for purposes of any Federal law, be treated as an information collection that is conducted or sponsored by a Federal agency.

[(3) Grants or contracts shall also be made under this section to State educational agencies to develop and establish a national program of credit exchange and accrual for migrant students so that such students will be better able to meet graduation requirements and receive their high school diplomas. Such grants or contracts may not exceed 3 years.

[(b) AVAILABILITY OF FUNDS.—The Secretary shall, from the funds appropriated for carrying out this subpart, reserve for purposes of this section for any fiscal year an amount, determined by the Secretary, which shall not be less than $6,000,000 nor more than 5 percent of the amount appropriated.

[Subpart 2—Programs for Handicapped Children

[SEC. 1221. AMOUNT AND ELIGIBILITY.

[(a) ELIGIBILITY FOR GRANT.—A State educational agency shall be eligible to receive a grant under this subpart for any fiscal year for programs (as defined in sections 1222 and 1223) for handicapped children (as defined in paragraph (2)(B)).

[(2) For the purpose of this subpart—

[(A) "children" includes infants and toddlers described in part H of the Individuals with Disabilities Education Act, as appropriate, and

[(B) "handicapped children" means children who by reason of their handicap require special education and related services, or in the case of infants and toddlers, require early intervention services and who are mentally retarded, hard of hearing, deaf, speech or language impaired, visually handicapped, seriously emotionally disturbed, orthopedically impaired, or other health impaired children or children with specific learning disabilities.

[(b) STATE EDUCATIONAL AGENCY APPLICATION.—In order to receive a grant under this subpart, a State educational agency shall submit an application to the Secretary which provides assurances that—

[(1) all handicapped children (other than handicapped infants and toddlers) in the State participating in programs and projects funded under this subpart receive a free appropriate public education and such children and such children's parents are provided all the rights and procedural safeguards under part B of the Individuals with Disabilities Education Act and this subpart and that all handicapped infants and toddlers in the State participation under this subpart receive early intervention services and such infants and toddlers and their families are provided the rights and procedural safeguards under part H of such Act;

[(2) programs and projects receiving assistance under this subpart are administered in a manner consistent with this subpart, subpart 2 of part F, part B of the Individuals with Disabilities Education Act, and as determined by the Secretary to be appropriate, part H of the Individuals with Disabilities Education Act, including the monitoring by such agency of compliance under paragraph (1);

[(3) programs and projects under this subpart will be coordinated with services under the Individuals with Disabilities Education Act;

[(4) for fiscal year 1991, and each subsequent fiscal year, the State educational agency will administer the program authorized by this subpart through the State office responsible for administering part B of the Individuals with Disabilities Education Act;

[(5) the agency will report annually to the Secretary—

[(A) the number of children served under this subpart for each disability and age category as described in part B of the Individuals with Disabilities Education Act;

[(B) the number of children served under this subpart in each of the educational placements described in section 618(b)(2) of the Individuals with Disabilities Education Act (and will report separately State-operated and State-supported programs and local educational agency programs for children previously served in such State programs); and

[(C) on the uses of funds and the allocation of such funds for such uses under this subpart; and

[(6) the agency will report to the Secretary such other information as the Secretary may reasonably request.

[(c) AMOUNT OF GRANT.—(1) Except as provided in subsection (e) and section 1291, the grant which a State educational agency (other than the agency for Puerto Rico) shall be eligible to receive under this section shall be an amount equal to 40 percent of the average per pupil expenditure in the State (or (A) in the case where the average per pupil expenditure in the State is less than 80 percent of the average per pupil expenditure in the United States, of 80 percent of the average per pupil expenditure in the United States, or (B) in the case where the average per pupil expenditure in the State is more than 120 percent of the average per pupil expenditure in the United States, of 120 percent of the average per pupil expenditure in the United States), multiplied by the number of handicapped children, from birth through 21, enrolled on December 1, as determined by the Secretary, in programs or schools for handicapped infants, toddlers and children operated or supported by a State agency which—

[(i) is directly responsible for providing free public education for handicapped children (including schools or programs providing special education and related services for handicapped children under contract or other arrangement with such agency); or

[(ii) is directly responsible for providing early intervention services for handicapped infants or toddlers (including schools or programs providing special education and related services for handicapped children under contract or other arrangement with such agency),

in the most recent fiscal year for which satisfactory data are available. The State educational agency shall distribute such funds to the appropriate State agency on the basis of the December 1 child count by distributing an equal amount for each child counted.

[(2) For each fiscal year, the Secretary shall determine the percentage which the average per pupil expenditure in the Commonwealth of Puerto Rico is of the lowest average per pupil expenditure of any of the 50 States. Except as provided in subsection (e), a grant which the Commonwealth of Puerto Rico shall be eligible to receive under this subpart for a fiscal year shall be the amount arrived at by multiplying the number of such handicapped children in the Commonwealth of Puerto Rico by the product of—

[(A) the percentage determined under the preceding sentence, and

[(B) 32 percent of the average per pupil expenditure in the United States.

[(3) SPECIAL RULE.—Notwithstanding any other provision of law, for purposes of determining the amount of a grant under this subsection for which a State educational agency is eligible from funds appropriated for the program assisted under this subpart for each fiscal year beginning after October 1, 1990, the Secretary shall allow intermediate school districts to count children with disabilities in the same manner as such children were counted in determining such amount in fiscal year 1990, regardless of whether such children receive services directly from the intermediate school district.

[(d) COUNTING OF CHILDREN TRANSFERRING FROM STATE TO LOCAL PROGRAMS.—In any case in which a child described in sections 1225(1)(A) and 1225(1)(B)(i) leaves an educational program for handicapped children operated or supported by a State agency in order to participate in such a program operated or supported by a local educational agency, such child shall be counted under subsection (c) if—

[(1) the child was receiving and continues to receive a free appropriate public education; and

[(2) the State educational agency transfers to the local educational agency in whose program such child participates an amount equal to the sums received by such State educational agency under this section which are attributable to such child, to be used for the purpose set forth in section 1223.

[(e) SPECIAL REQUIREMENT.—The State educational agency may count handicapped children aged 3 to 5, inclusive, in a State only if such State is eligible for a grant under section 619 of the Individuals with Disabilities Education Act.

[SEC. 1222. PROGRAM REQUIREMENTS.

[(a) GENERAL REQUIREMENTS.—A State educational agency shall use the payments made under this subpart for programs and projects (including the acquisition of equipment) which are designed to supplement the special education needs of handicapped children (other than handicapped infants and toddlers) or the early intervention needs of handicapped infants and toddlers. Such programs and projects shall be administered in a manner consistent with this subpart, subpart 2 of part F, part B of the Individuals with Disabilities Education Act, and, as determined by the Secretary to be appropriate, part H of the Individuals with Disabilities Education Act.

[(b) SERVICES.—Funds under this subpart shall be used to supplement the provision of special education and related services for handicapped children (other than handicapped infants and toddlers) or early intervention services for handicapped infants and toddlers.

[(c) DEMONSTRATION OF BENEFIT.—Recipients of funds under this subpart shall collect and maintain such evaluations and assessments as may be necessary to demonstrate that the programs and projects were beneficial to the children served.

[SEC. 1223. USES OF FUNDS.

[(a) GENERAL RULE.—Programs, and projects authorized under this subpart may include, but are not limited to—

[(1) services provided in early intervention, preschool, elementary, secondary, and transition programs;

[(2) acquisition of equipment and instructional materials;

[(3) employment of special personnel;

[(4) training and employment of education aides;

[(5) training in the use and provision of assistive devices and other specialized equipment;

[(6) training of teachers and other personnel;

[(7) training of parents of handicapped children;

[(8) training of nonhandicapped children to facilitate their participation with handicapped children in joint activities;

[(9) training of employers and independent living personnel involved in assisting the transition of handicapped children from school to the world of work and independent living;

[(10) outreach activities to identify and involve handicapped children and their families more fully in a wide range of educational and recreational activities in their communities; and

[(11) planning for, evaluation of, and dissemination of information regarding such programs and projects assisted under this subpart.

[(b) PROHIBITION.—Programs and projects authorized under this subpart may not include the construction of facilities.

[SEC. 1224. SERVICE AND PROGRAM APPLICATIONS.

[(a) APPLICATION REQUIRED.—A State agency or local educational agency may receive a grant under this subpart for any fiscal year if it has on file with the State educational agency an application which describes the services, programs, and projects to be conducted with such assistance for a period of not more than 3 years, and each such application has been approved by the State educational agency. Any State educational agency operating programs or projects under this subpart shall prepare a written description of such programs and projects in accordance with subsections (b) and (c).

[(b) REQUIREMENTS.—At a minimum each such application shall—

[(1) indicate the number of children to be served;

[(2) specify the number of children to be served for each disability and age category as described in part B of the Individuals with Disabilities Education Act;

[(3) describe the purpose or purposes of the project and the method or methods of evaluating the effectiveness of the services, projects, or program;

[(4) specify the services to be provided with the funds furnished under this subpart; and

[(5) include other information the Secretary or State educational agency may request.

[(c) APPLICATION ASSURANCES.—Any such application shall provide assurances that—

[(1) all handicapped children in the State (other than handicapped infants and toddlers) participating in programs and projects funded under this subpart receive a free appropriate public education and such children and such children's parents are provided all the rights and procedural safeguards under part B of the Individuals with Disabilities Education Act and this subpart and that all handicapped infants and toddlers in the State participating under this subpart receive early intervention services and such infants and toddlers and their families are provided the rights and procedural safeguards under part H of such Act;

[(2) services, programs, and projects conducted under this subpart are of sufficient size, scope, and quality to give reasonable promise toward meeting the special educational and early intervention needs of children to be served;

[(3) funds made available under the subpart will supplement, not supplant State and local funds in accordance with section 1018(b);

[(4) the agency will maintain its fiscal effort in accordance with section 1018(a);

[(5) the agency will conduct such evaluations and assessments as may be necessary to demonstrate that the programs and projects are beneficial to the children served;

[(6) the parents of children to be served with funds under this subpart are provided an opportunity to participate in the development of its project application; and

[(7) the agency will comply with all reporting requirements in a timely manner.

[(d) LETTER OF REQUEST.—The State educational agency may accept, in lieu of a project application, a letter of request for payment from a local educational agency, if the local agency intends to serve fewer than 5 children with its payment. In such a letter the agency shall include an assurance that the payment will be used to supplement the provision of special education and related services.

[SEC. 1225. ELIGIBLE CHILDREN.

[The children eligible for services under this subpart are—

[(1) those handicapped children from birth to 21, inclusive, who—

[(A) the State is directly responsible for providing special education or early intervention services to (including schools or programs providing special education and related services for handicapped children under contract or other arrangement with such agency), and

[(B)(i) are participating in a State-operated or State-supported school or program for handicapped children (including schools and programs operated under contract or other arrangement with a State agency), or

[(ii) previously participated in such a program and are receiving special education or early intervention services from local educational agencies; and

[(2) other handicapped children, if children described in paragraph (1) have been fully served.

[SEC. 1226. FEDERAL MONITORING REQUIREMENT.

[Whenever the Secretary conducts monitoring visits under part B of the Individuals with Disabilities Education Act, the Secretary shall monitor the program authorized by this subpart, if applicable.

[Subpart 3—Programs for Neglected and Delinquent Children

[SEC. 1241. AMOUNT AND ENTITLEMENT.

[(a) Entitlement to Grants.—A State agency which is responsible for providing free public education for children in institutions for neglected or delinquent children or in adult correctional institutions shall be entitled to receive a grant under this subpart for any fiscal year (but only if grants received under this subpart are used only for children in such institutions).

[(b) Amounts of Grant.—(1) Except as provided in section 1291, the grant which such an agency (other than the agency for Puerto Rico) shall be eligible to receive shall be an amount equal to 40 percent of the average per pupil expenditure in the State (or (A) in the case where the average per pupil expenditure in the State is less than 80 percent of the average per pupil expenditure in the United States, of 80 percent of the average per pupil expenditure in the United States, or (B) in the case where the average per pupil expenditure in the State is more than 120 percent of the average per pupil expenditure in the United States, of 120 percent of the average per pupil expenditure in the United States) multiplied by the number of such neglected or delinquent children in average daily attendance, as determined by the Secretary, at schools for such children operated or supported by that agency, including schools providing education for such children under contract or other arrangement with such agency, in the most recent fiscal year for which satisfactory data are available.

[(2) For each fiscal year, the Secretary shall determine the percentage which the average per pupil expenditure in the Commonwealth of Puerto Rico is of the lowest average per pupil expenditure of any of the 50 States. The grant which the Commonwealth of Puerto Rico shall be eligible to receive under this subpart for a fiscal year shall be the amount arrived at by multiplying the number of such neglected or delinquent children in the Commonwealth of Puerto Rico by the product of—

[(A) the percentage determined under the preceding sentence, and

[(B) 32 percent of the average per pupil expenditure in the United States.

[SEC. 1242. PROGRAM REQUIREMENTS.

[(a) Use of Payments.—A State agency shall use payments under this subpart only for programs and projects (including the acquisition of equipment and, where necessary, the construction of school facilities) which are designed to meet the special educational needs of children in institutions for neglected or delinquent children, children attending community day programs for neglected and delinquent children, or children in adult correctional institutions. Such programs and projects shall be designed to support educational services supplemental to the basic education of such children which must be provided by the State, and such programs and projects shall be administered and carried out in a manner consistent with subpart 2 of part F and sections 1011(a), 1014, and section 1018 (other than subsection (c)). The transfer of neglected and delinquent student records among State and local educational agencies, institutions, and programs shall include any individualized education programs of such students.

[(b) COMPLIANCE.—In determining whether programs under this subpart have complied with the supplement not supplant requirement under section 1018(b), programs which are supplementary in terms of the number of hours of instruction students are receiving from State and local sources shall be considered in compliance without regard to the subject areas in which those instructional hours are given.

[(c) THREE-YEAR PROJECTS.—Where a State agency operates programs under this subpart in which children are likely to participate for more than 1 year, the State educational agency may approve the application for a grant under this subpart for a period of more than 1 year, but not to exceed 3 years.

[(d) EVALUATION.—Programs for neglected and delinquent children under this subpart shall be evaluated annually to determine their impact on the ability of such children to maintain and improve educational achievement, to maintain school credit in compliance with State requirements, and to make the transition to a regular program or special education program operated by a local educational agency.

[SEC. 1243. TRANSITION SERVICES.

[(a) TRANSITION SERVICES.—Each State may reserve not more than 10 percent of the amount it receives under section 1241 for any fiscal year to support projects that facilitate the transition of children from State operated institutions for neglected and delinquent children into locally operated programs.

[(b) CONDUCT OF PROJECTS.—Projects supported under this section may be conducted directly by the State agency, or by contracts or other arrangements with one or more local educational agencies, other public agencies, or private nonprofit organizations.

[(c) LIMITATION.—Assistance under this section shall be used only to provide special educational services to neglected and delinquent children in schools other than State operated institutions.

[SEC. 1244. DEFINITIONS.

[For the purposes of this subpart, the following terms have the following meanings:

[(1) The term "institution for delinquent children", as determined by the State educational agency, means a public or private residential facility that is operated for the care of children who have been determined to be delinquent or in need of supervision.

[(2) The term "institution for neglected children" means, as determined by the State educational agency, a public or private residential facility (other than a foster home) that is operated for the care of children who have been committed to the institution or voluntarily placed in the institution under applicable State law, due to abandonment, neglect, or death of parents or guardians.

[Subpart 4—General Provisions for State Operated Programs

[SEC. 1291. RESERVATION OF FUNDS FOR TERRITORIES.

[There is authorized to be appropriated for each fiscal year for purposes of each of subparts 1, 2, and 3 of this part, an amount equal to not more than 1 percent of the amount appropriated for such year for such subparts, for payments to Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands under each such subpart. The amounts appropriated for each such subpart shall be allotted among Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands according to their respective need for such grants, based on such criteria as the Secretary determines will best carry out the purposes of this chapter.

[SEC. 1292. DUAL ELIGIBILITY FOR PROGRAMS.

[Neglected and delinquent children under subpart 3 who are eligible for programs for handicapped children under subpart 2, may be counted under each subpart for purposes of grant determination and may be served under each such program.

[PART E—PAYMENTS

[SEC. 1401. PAYMENT METHODS.

[The Secretary shall, from time to time, pay to each State, in advance or otherwise, the amount which it and the local educational agencies of that State are eligible to receive under this chapter. Such payments shall take into account the extent (if any) to which any previous payment to such State educational agency under this chapter or chapter 1 of the Education Consolidation and Improvement Act of 1981 (whether or not in the same fiscal year) was greater or less than the amount which should have been paid to it.

[SEC. 1402. AMOUNT OF PAYMENTS TO LOCAL EDUCATIONAL AGENCIES.

[From the funds paid to it pursuant to section 1401 each State educational agency shall distribute to each local educational agency of the State which is eligible to receive a grant under this chapter and which has submitted an application approved pursuant to section 1012 the amount for which such application has been approved, and the amount which the local educational agency is eligible to receive under sections 1053 and 1102 except that the amount shall not exceed the amount determined for that local educational agency under this chapter.

[SEC. 1403. ADJUSTMENTS WHERE NECESSITATED BY APPROPRIATIONS.

[(a) ADJUSTMENT ALLOCATION.—If the sums appropriated for any fiscal year for making the payments provided for in this chapter are not sufficient to pay in full the total amounts which all local and State educational agencies are entitled to receive under this chapter for such year, the amount available for each grant to a State agency eligible for a grant under subpart 1, 2, or 3 of part D shall be equal to the total amount of the grant as computed under each such subpart. If the remainder of such sums available after the application of the preceding sentence is not sufficient to pay in full the total amounts which all local educational agencies are entitled to receive under subpart 1 of part A of this chapter for such year, the allocations to such agencies shall, subject to section 1006(c) and to adjustments under the next sentence, be ratably reduced to the extent necessary to bring the aggregate of such allocations within the limits of the amount so appropriated. The allocation of a local educational agency which would be reduced under the preceding sentence to less than 85 percent of its allocation under subpart 1 of the part A for the preceding fiscal year, shall be increased to such amount, the total of the increases thereby required being derived by proportionately reducing the allocations of the remaining local educational agencies, under the preceding sentence, but with such adjustments as may be necessary to prevent the allocation to any remaining local educational agency from being thereby reduced to less than 85 percent of its allocation for such year.

[(b) ADDITIONAL FUNDS ALLOCATION.—(1) If additional funds become available for making payments under this chapter for that year, allocations that were reduced pursuant to subsection (a) shall be increased on the same basis as they were reduced.

[(2) In order to permit the most effective use of all appropriations made to carry out this chapter, the Secretary may set dates by which (A) State educational agencies must certify to the Secretary the amounts for which the applications of educational agencies have been or will be approved by the State, and (B) State educational agencies referred to in subpart 1 of part D must file applications. If the maximum grant a local educational agency would receive (after any ratable reduction which may have been required under the first sentence of subsection (a) of this section) is more than an amount which the State educational agency determines, in accordance with regulations prescribed by the Secretary, such agency will use, the excess amount shall be made available first to educational agencies in that State. Determinations of the educational agencies to which such excess amounts shall be made available by the State educational agency in furtherance of the purposes of this chapter shall be in accordance with criteria prescribed by the Secretary which are designed to assure that such excess amounts will be made available to other eligible educational agencies with the greatest need, for the purpose of, where appropriate, redressing inequities inherent in, or mitigating hardships caused by, the application of the provisions of section 1005(a) as a result of such factors as population shifts and changing economic circumstances. In the event excess amounts remain after carrying out the preceding 2 sentences of this section, such excess amounts shall be distributed among the other States as the Secretary shall prescribe for use by local educational agencies in such States for the purposes of this chapter in such manner as the respective State educational agencies shall prescribe.

[SEC. 1404. PAYMENTS FOR STATE ADMINISTRATION.

[(a) IN GENERAL.—The Secretary is authorized to pay to each State amounts equal to the amounts expended by it for the proper and efficient performance of its duties under this chapter (other than section 1021), except that the total of such payments in any fiscal year shall be the greater of the following:

[(1) 1 percent of the amount allocated to the State and its local educational agencies and to other State agencies as determined for that year under parts A and D; or

[(2) $325,000, or $50,000 in the case of Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, or the Trust Territory of the Pacific Islands.

[(b) LIMITATION ON INDIRECT COSTS.—Not more than 15 percent of the State administrative allocation under subsection (a) may be used for indirect costs of the grant.

[SEC. 1405. FUNDS FOR THE IMPLEMENTATION OF SCHOOL IMPROVEMENT PROGRAMS.

[(a) GENERAL AUTHORITY.—The Secretary is authorized to pay, for the purpose of carrying out program improvement plans described in section 1021, to each State an amount equal to—

[(1)(A) 0.25 percent of the amount allocated to the State and its local educational agencies as determined under parts A and D for fiscal years 1989, 1990, and 1991; and

[(B) 0.5 percent of the amount allocated to the State and its local educational agencies as determined under parts A and D for fiscal years 1992 and 1993; or

[(2)(A) $90,000 or $15,000 in the case of Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, or the Trust Territory of the Pacific Islands for fiscal years 1989, 1990, and 1991; and

[(B) $180,000 or $30,000 in the case of Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, or the Trust Territory of the Pacific Islands for fiscal years 1992 and 1993.

[(b) LIMITATIONS.—(1) No funds made available to States under subsection (a) may be used for administrative functions related to any provisions of this chapter.

[(2) Funds made available to States under this section shall only be used for direct educational services in schools implementing program improvement plans as described under section 1021.

[(3) Parents of participating children, school staff, the local educational agency and the State educational agency shall jointly agree to the selection of providers of technical assistance and the best use of funds available under subsection (a) for the effective implementation of the program improvement plan. Uses of such funds include assistance from—

[(A) an institution of higher education;

[(B) federally supported educational laboratory or center;

[(C) State personnel with expertise in educational improvement;

[(D) locally, State, or nationally based consultants; and

[(E) other possible providers of the specific services required by the school's program plan.

[SEC. 1406. LIMITATION ON GRANT TO THE COMMONWEALTH OF PUERTO RICO.

[Notwithstanding the provisions of this chapter, the amount paid to the Commonwealth of Puerto Rico under this chapter for any fiscal year shall not exceed 150 percent of the amount received by the Commonwealth of Puerto Rico under chapter 1 of the Education Consolidation and Improvement Act or under this chapter in the preceding fiscal year. Any excess over such amount shall be used to ratably increase the allocations under subpart 1 or part A of the other local educational agencies whose allocations do not exceed the maximum amount for which the agencies are eligible under section 1005.

[PART F—GENERAL PROVISIONS

[Subpart 1—Federal Administration

[SEC. 1431. FEDERAL REGULATIONS.

[(a) IN GENERAL.—The Secretary is authorized to issue such regulations as are considered necessary to reasonably ensure that there is compliance with the specific requirements and assurances required by this chapter.

[(b) PROCEDURE.—(1) Prior to publishing proposed regulations pursuant to this chapter, the Secretary shall convene regional meetings which shall provide input to the Secretary on the content of proposed regulations. Such meetings shall include representatives of Federal, State, and local administrators, parents, teachers, and member of local boards of education involved with implementation of programs under this chapter.

[(2) Subsequent to regional meetings and prior to publishing proposed regulations in the Federal Register, the Secretary shall prepare draft regulations and submit regulations on a minimum of 4 key issues to a modified negotiated rulemaking process as a demonstration of such process. The modified process shall waive application of the Federal Advisory Committee, Act, but shall otherwise follow the guidance provided in the Administrative Conference of the United States in Recommendation 82–4, "Procedures for Negotiating Proposed Regulations" (47 Fed. Reg. 30708, June 18, 1982) and any successor regulation. Participants in the demonstration shall be chosen by the Secretary from among participants in the regional meetings, representing the groups described in paragraph (1) and all geographic regions. The demonstration shall be conducted in a timely manner in order that final regulations may be issued by the Secretary within the 240-day period required by section 431(g) of the General Education Provisions Act.

[(3) In an emergency situation in which regulations pursuant to this chapter must be issued within a very limited time to assist State and local educational agencies with the operation of the program, the Secretary may issue a regulation without such prior consultation, but shall immediately thereafter convene regional meetings to review the emergency resultation prior to issuance in final form.

[(c) SPECIAL RULE.—Funds made available under sections 1437 and 1463 of this chapter shall be released for expenditure by the Secretary only at such time as final regulations pertaining to this chapter are published in the Federal Register.

[(d) LIMITATION.—Programs under this chapter may not be required to follow any 1 instructional model, such as the provision of services outside the regular classroom or school program.

[SEC. 1432. AVAILABILITY OF APPROPRIATIONS.

[(a) GENERAL PROVISION.—Notwithstanding any other provision of law, unless expressly in limitation of this section, funds appropriated in any fiscal year to carry out activities under this chapter shall become available for obligation on July 1 of such fiscal year and shall remain available for obligation until the end of the subsequent fiscal year.

[(b) CARRYOVER AND WAIVER.—Notwithstanding section 412 of the General Education Provisions Act, subsection (a) or any other provision of law—

[(1) not more than 25 percent of funds appropriated for fiscal year 1989 and 15 percent of funds appropriated for fiscal year 1990 and each subsequent year may remain available for obligation for 1 additional year;

[(2) a State educational agency may grant a 1-time waiver of the percentage limitation under paragraph (1) if the agency determines that the request by a local educational agency is reasonable and necessary or may grant a waiver in any fiscal year in which supplemental appropriations for this chapter become available for obligation; and

[(3) the percentage limitation under paragraph (1) shall not apply with respect to any local educational agency which receives less than $50,000 under this chapter for any fiscal year.

[SEC. 1433. WITHHOLDING OR PAYMENTS.

[(a) WITHHOLDING.—Whenever the Secretary, after reasonable notice to any State educational agency and an opportunity for a hearing on the record, finds that there has been a failure to comply substantially with any assurances required to be given or conditions required to be met under this chapter, the Secretary shall notify such agency of these finds and that beginning 60 days after the date of such notification, further payments will not be made to the State under this chapter, or affected part or subpart thereof (or, in the Secretarys discretion, that the State educational agency shall reduce or terminate further payments under the affected part of subpart thereof, to specified local educational agencies or State agencies affected by the failure) until the Secretary is satisfied that there is no longer any such failure to comply. Until the Secretary is so satisfied, (1) no further payments shall be made to the State under the part or subpart thereof, or (2) payments by the State educational agency under the part or subpart thereof shall be limited to local educational agencies and State agencies not affected by the failure, or (3) payments to particular local educational agencies shall be reduced, as the case may be.

[(b) Notice to Public.—Upon submission to a State of a notice under subsection (a) that the Secretary is withholding payments, the Secretary shall take such action as may be necessary to bring the withholding of payments to the attention of the public within the State.

[SEC. 1434. JUDICIAL REVIEW.

[(a) Filing Appeals.—If any State is dissatisfied with the Secretary's action under section 1433(a), such State may, within 60 days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The filing of such petition shall act to suspend any withholding of funds by the Secretary pending the judgment of the court and prior to a final action on any review of such judgment. The Secretary thereupon shall file in the court the record of the proceedings on which the Secretary's action was based, as provided in section 2112 of title 28, United States Code.

[(b) Basis of Review.—For the purposes of this chapter, the basis of review shall be as provided in section 458(c) of the General Education Provisions Act.

[(c) Judicial Appeals.—Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari of certification as provided in section 1254 of title 28, United States Code.

[SEC. 1435. EVALUATION.

[(a) National Standards.—In consultation with State and local educational agencies (including members of State and local boards of education and parent representatives), the Secretary shall develop national standards for local evaluation of programs under this chapter. In developing such standards, the Secretary may use the Title I Evaluation and Reporting System designed and implemented under title I of this Act, as in effect prior to the date of the enactment of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 as the model. The Secretary shall provide advance notification to State and local educational agencies of the requirements of such national standards of evaluations.

[(b) Reports.—The Secretary shall submit a comprehensive and detailed report concerning State and local evaluation results based on data collected under sections 1019, 1107, 1202(a)(6), and 1242(d) to the appropriate committees of the Congress on a biennial basis.

[SEC. 1436. COORDINATION OF FEDERAL, STATE, AND LOCAL ADMINISTRATION.

[(a) Policy Manual.—The Secretary shall, not later than 6 months after the publication of final regulations with respect to this chapter, prepare and distribute to State educational agencies, State agencies operating programs under part D, and local educational agencies, and shall make available to parents and other interested individuals, organizations, and agencies, a policy manual for this chapter to—

[(1) assist such agencies in (A) preparing applications for program funds under this chapter, (B) meeting the applicable program requirements under this chapter, and (C) enhancing the quality, increasing the depth, or broadening the scope of activities for programs under this chapter;

[(2) assist State educational agencies in achieving proper and efficient administration of programs funded under this chapter;

[(3) assist parents to become involved in the planning for, and implementation and evaluation of, programs and projects under this chapter; and

[(4) ensure that officers and employees of the Department of Education, including officers and employees of the Secretary and officers and employees of such Department charged with auditing programs carried on under this chapter, uniformly interpret, apply, and enforce requirements under this chapter throughout the United States.

[(b) Contents of Policy Manual.—The policy manual shall, with respect to programs carried out under this chapter, contain descriptions, statements, procedural and substantive rules, opinions, policy statements and interpretations and indices to and amendments of the foregoing, and in particular, whether or not such items are required under section 552 of title 5, United States Code to be published, whether or not such items are required under section 552 of title 5, United States Code to be published or made available. The manual shall include (but not be limited to)—

[(1) a statement of the requirements applicable to the programs carried out under this chapter, including such requirements contained in this chapter, the General Education Provisions Act, other applicable statutes, and regulations issued under the authority of such statutes;

[(2) an explanation of the purpose of each requirement and its interrelationship with other applicable requirements;

[(3) a statement of the procedures to be followed by the Secretary with respect to proper and efficient performance of administrative responsibilities;

[(4) summaries of (A) advisory opinions interpreting and applying applicable requirements, and (B) final audit determinations relevant to programs under this chapter, including examples of actual applications of the legal requirements of applicable statutes and regulations;

[(5) model forms and instructions developed by the Secretary for use by State and local educational agencies, at their discretion, including, but not limited to, application forms, application review checklists, and instruments for monitoring programs under this chapter;

[(6) summaries of appropriate court decisions concerning programs under this chapter; and

[(7) model forms, policies, and procedures developed by State educational agencies.

[(c) Response to Inquiries.—The Secretary shall respond with written guidance not more than 90 days after any written request (return receipt requested) from a State or local educational agency regarding a policy, question, or interpretation under this chapter. In the case of a request from a local educational agency, such agency must first have addressed its request to the State educational agency.

[(d) TECHNICAL ASSISTANCE.—From funds available to the Secretary for studies, evaluations, and technical assistance, the Secretary shall continue, establish, and expand technical assistance centers to provide assistance to State and local educational agencies with respect to programs under this chapter. In providing such assistance, centers shall place particular emphasis on information relating to program improvement, parental involvement, instruction, testing and evaluation, and curriculum under this chapter. Such centers shall be accessible through electronic means.

[(e) FEDERAL DISSEMINATION OF EXEMPLARY PROGRAMS.—To the extent possible, the Secretary shall provide information to State and local educational agencies regarding opportunities for dissemination of exemplary programs under this chapter through the National Diffusion Network. The Secretary shall emphasize programs which are exemplary in their implementation of the parent involvement provisions of section 1016. The Secretary shall coordinate Federal exemplary project identification activities with the National Diffusion Network.

[(f) FEDERAL REVIEW OF STATE AND LOCAL ADMINISTRATION.—The Secretary shall provide for a review of State and local administration of programs under this chapter. In addition to such other areas as the Secretary may consider appropriate, the review shall consider State policies, guidance materials, monitoring and enforcement activities, and the detection and resolution of problems of local noncompliance.

[SEC. 1437. AUTHORIZATION OF APPROPRIATIONS FOR EVALUATION AND TECHNICAL ASSISTANCE.

[There are authorized to be appropriated for the purposes of sections 12435 and 1436 for other Federal evaluation, technical assistance and research activities related to this chapter, and authorized studies under this chapter, $4,000,000 for the fiscal year 1989, and such sums as may be necessary for each of the fiscal years 1990 through 1993.

[SEC. 1438. APPLICATION OF GENERAL EDUCATION PROVISIONS ACT.

[(a) GENERAL RULE.—Except as otherwise specifically provided by this section, the General Education Provisions Act shall apply to the programs authorized by this chapter.

[(b) SUPERCESSION RULE.—The following provisions of the General Education Provisions Act shall be superseded by the specified provisions of this chapter with respect to the programs authorized by this subtitle:

[(1) Section 408(a)(1) of the General Education Provisions Act is superseded by section 1431 of this chapter.

[(2) Section 426(a) of such Act is superseded by section 1437 of this chapter.

[(3) Section 427 of such Act is superseded by section 1016 of this chapter.

[(4) Section 430 of such Act is superseded by sections 1012, 1056, 1104(b), 1125, 1202(a), and 1224 of this chapter.

[(5) Section 455 of such Act is superseded by section 1433 of this chapter.

[(6) Section 458 of such Act is superseded by section 1434 of this chapter with respect to judicial review of withholding of payments.

[(c) Exclusion Rule.—Sections 434, 435, and 436 of the General Education Provisions Act, except to the extent that such sections relate to fiscal control and fund accounting procedures, shall not apply to the programs authorized by this chapter and shall not be construed to authorize the Secretary to require any reports or take any actions not specifically authorized by this chapter.

SEC. 1439. NATIONAL COMMISSION ON MIGRANT EDUCATION.

[(a) Establishment.—There is established, as an independent agency within the executive branch, a National Commission on Migrant Education (referred to in this section as the "Commission").

[(b) Membership.—

[(1) The Commission shall be composed of 12 members. Four of the members shall be appointed by the President. Four of the members shall be appointed by the Speaker of the House, including 2 Members of the House, 1 from each political party. Four of the members shall be appointed by the President pro tempore of the Senate, including 2 Members of the Senate, 1 from each political party.

[(2) The chairman shall be designated by the President from among the members appointed by the President. If the President has not appointed 4 members of the Commission and designated a chairman within 60 days of the enactment of this Act, the members of the Commission appointed by the Speaker of the House and the President pro tempore of the Senate shall elect a chairman who shall continue to serve for the duration of the Commission.

[(3) Any vacancy in the Commission shall be filled in the same manner as the original appointment.

[(c) Study.—The Commission shall make a study of the following issues:

[(1) What are the demographics of the children of migratory workers today compared with 10 years ago and how are the demographics expected to change over the next decade.

[(2) What are the individual roles of the Federal, State, and private sectors in migrant affairs; how has each sector enhanced migrant educational opportunities, including entry into all types of postsecondary education programs; and should Federal programs include incentives for private and State participation.

[(3) What is the number of unserved or underserved migrant students who are eligible for the programs under this chapter nationwide and on a State-by-State basis.

[(4) How can migrant education, migrant health, migrant Head Start, Job Training Partnership programs serving migrants, HEP/CAMP, and adult literacy programs be integrated and coordinated at both the Federal and State levels.

[(5) How many migrant students are identified as potential drop-outs; how might this issue be addressed at the national policy level; and what effect does the migrant mother have on her children's performance.

[(6) How do the migrant programs under this chapter vary from State to State; how do their administrative costs vary; how do parent involvement and services vary.

[(7) What role has the Migrant Student Record Transfer System performed in assisting the migrant population; to what degree is it utilized for enhancing the education program at the local level and by the classroom teacher; is it cost effective; and how well would such a system adapt to other mobile populations like those in the inner cities or those in the Department of Defense overseas schools.

[(8) How many prekindergarten programs are available to migratory children; what services are they provided; what is the degree of parent involvement with these programs; what is a typical profile of a student in such a program.

[(9) How well are migrant handicapped and gifted and talented students identified and served; and what improvements might be made in this area.

[(10) How many of the students being served are identified as "currently migrant" and how many are "formerly migrant"; what differences are there in their needs; and how do services provided differ between those of "currently migrant" and those of "formerly migrant".

[(11) How does interstate and intrastate coordination occur at the State and local levels.

[(12) Is there a need to establish a National Center for Migrant Affairs and what are the options for funding such a Center.

[(d) REPORTS.—

[(1) The Commission shall prepare and submit reports and recommendations to the President and to the appropriate committees of the Congress on the studies required to be conducted under this section. The reports for the studies required shall be submitted as soon as practicable.

[(2) Any recommendations and reports submitted under this paragraph which contemplate changes in Federal legislation shall include draft legislation to accomplish the recommendations.

[(e) SPECIAL STUDY ON THE MIGRANT STUDENT RECORDS TRANSFER SYSTEM.—(1) The Commission shall conduct a study of the function and the effectiveness of the Migrant Student Records Transfer System.

[(2) The Commission shall prepare and submit to the Secretary of Education and to the Congress, not later than 2 years after the first meeting of the Commission, a report on the study required by paragraph (1).

[(f) COMPENSATION.—

[(1) Members of the Commission who are officers or full-time employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States; but they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

[(2) Members of the Commission who are not officers or full-time employees of the United States may each receive $150 per diem when engaged in the actual performance of duties vested in the Commission. In addition, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

[(f) STAFF.—Such personnel as the Commission deems necessary may be appointed by the Commission without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subtitle III of chapter 53 of such title relating to classification and General Schedule pay rates, but no individual so appointed shall be paid in excess of the rate authorized for GS–18 of the General Schedule.

[(g) ADMINISTRATION.—

[(1) The Commission or, on the authorization of the Commission, any committee thereof, may, for the purpose of carrying out the provisions of this section, hold such hearings and sit and act at such times and such places within the United States as the Commission or such committee may deem advisable.

[(2) In carrying out its duties under this section, the Commission shall consult with other Federal agencies, representatives of State and local governments, and private organizations to the extent feasible.

[(3) The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality, information, suggestions, estimates, and statistics for the purpose of this section, and each such department, bureau, agency, board, commission, office, establishment, or instrumentality is authorized and directed, to the extent permitted by law, to furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairman.

[(4) For the purpose of securing the necessary data and information, the Commission may enter into contracts with universities, research institutions, foundations, and other competent public or private agencies. For such purposes, the Commission is authorized to obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code.

[(5) The heads of all Federal agencies are, to the extent not prohibited by law, directed to cooperate with the Commission in carrying out this section.

[(6) The Commission is authorized to utilize, with their consent, the services, personnel information, and facilities of other Federal, State, local, and private agencies with or without reimbursement.

[(7) The Commission shall have authority to accept in the name of the United States, grants, gifts, or bequests of money for immediate disbursement in furtherance of the functions of the Commission. Such grants, gifts, or bequests, after acceptance by the Commission, shall be paid by the donor or the donor's representative to the Treasurer of the United States whose receipts shall be their acquittance. The Treasurer of the United States shall enter them in a special account to the credit of the Commission for the purposes in each case specified.

[(8) Six members of the Commission shall constitute a quorum, but a lesser number of 2 or more may conduct hearings.

[(h) TERMINATION.—The Commission shall terminate 3 years after the date of its first meeting.

[(i) AUTHORIZATION OF APPROPRIATIONS.—Effective October 1, 1988, there is authorized to be appropriated $2,000,000 to carry out the provisions of this section, which shall remain available until expended or until the termination of the Commission, whichever occurs first.

[Subpart 2—State Administration

[SEC. 1451. STATE REGULATIONS.

[(a) IN GENERAL.—(1) Except as provided in paragraph (2), nothing in this chapter may be interpreted to preempt, prohibit, or encourage State regulations issued pursuant to State law which are not inconsistent with the provisions of this chapter, regulations promulgated under this chapter, or other applicable Federal statutes and regulations.

[(2) State rules or policies may not limit local school districts' decisions regarding the grade levels to be served; the basic skills areas (such as reading, mathematics, or language arts) to be addressed; instructional settings, materials or teaching techniques to be used; instructional staff to be employed (as long as such staff meet State certification and licensing requirements for education personnel); or other essential support services (such as counseling and other pupil personnel services) to be provided as part of the programs authorized under this chapter.

[(3) Nothing in this subsection may be construed to inhibit the State educational agency's responsibility to work jointly with local educational agencies and other State agencies receiving funds under this chapter in program improvement activities pursuant to section 1021 where the State may suggest various activities and approaches as it works with such agencies to develop program improvement plans.

[(b) REVIEW BY COMMITTEE OF PRACTITIONERS.—Before publication of any proposed or final State rule or regulation pursuant to this chapter, each such rule shall be reviewed by a State committee of practitioners which shall include administrators, teachers, parents, and members of local boards of education, and on which a majority of the members shall be local educational agency representatives. In an emergency situation where such regulation must be issued within a very limited time to assist local educational agencies with the operation of the program, the State educational agency may issue a regulation without such prior consultation, but shall immediately thereafter convene a State committee of practitioners to review the emergency regulation prior to issuance in final form.

[(c) IDENTIFICATION AS STATE REQUIREMENT.—The imposition of any State rule or policy relating to the administration and operation of programs funded by this chapter (including those based on State interpretation of any Federal law, regulation, or guideline) shall be identified as a State imposed requirement.

[SEC. 1452. RECORDS AND INFORMATION.

[Each State educational agency shall keep such records and provide such information to the Secretary as may be required for fiscal audit and program evaluation (consistent with the responsibilities of the Secretary under this chapter).

[SEC. 1453. ASSIGNMENT OF PERSONNEL.

[(a) LIMITATIONS.—Public school personnel paid entirely by funds made available under this chapter may be assigned limited supervisory duties which are assigned to similarly situated personnel who are not paid with such funds, and such duties need not be limited to classroom instruction or to the benefit of children participating in programs or projects funded under this chapter. The time spent by public school personnel on duties described in the preceding sentence may not exceed either—

[(1) the same proportion of total work time as prevails with respect to similarly situated personnel at the same school site, or

[(2) one period per day,

whichever is less.

[(b) USE IN STATE PROGRAMS.—If a State carries out a program as defined under section 1018(d), the State may use funds under this chapter to pay salaries of personnel assigned to both the State program and the program under this chapter for administration, training, and technical assistance, if the State educational agency maintains time distribution records reflecting the actual amount of time spent by each such employee signed by that employee's supervisor, and costs are charged on a prorated basis to both programs.

[SEC. 1454. PROHIBITION REGARDING STATE AID.

[No State shall take into consideration payments under this chapter in determining the eligibility of any local educational agency in that State for State aid, or the amount of State aid, with respect to free public education of children.

[Subpart 3—Rural Educational Opportunities

[SEC. 1456. PROGRAM AUTHORIZED.

[(a) GENERAL AUTHORITY.—The Secretary shall make grants to, or enter into contracts with, institutions of higher education, private nonprofit agencies and organizations, regional educational laboratories, technical assistance centers established pursuant to section 1436(d), public agencies, State education agencies, or combinations of such agencies or institutions within particular regions of the United States, to pay all or part of the cost of operating at least 10 rural assistance programs. The Secretary may not make a grant to, or enter into a contract with, any agency, institution, organization, or combination thereof under the preceding sentence unless such agency, institution, organization, or combination thereof has extensive experience providing educational assistance to State and local educational agencies.

[(b) Functions of Regional Rural Assistance Programs.—Each regional rural assistance program established under subsection (a) shall provide technical assistance, consultation, training, and such other assistance as will assist State educational agencies and local educational agencies in the region to improve the quality of the education provided to educationally disadvantaged children participating in programs under this chapter who reside in rural areas or attend small schools. Each such program shall give special consideration to, and report on, problems related to districts with declining enrollments and ways in which districts can combine management to provide effective programs.

[SEC. 1457. APPLICATION PRIORITY REQUIREMENTS.

[(a) In carrying out this subpart, the Secretary shall give priority to applicants which describe assistance to school districts in local educational agencies in rural areas—

[(1) with the highest concentrations of children from low-income families;

[(2) that have a significant number or percentage of schools serving children from low-income families; and

[(3) in which there are a significant number of schools in which evaluations indicate lack of substantial progress toward meeting desired outcomes, no improvement, or a decline in aggregate performance by the children participating in programs under this chapter.

[(b) Applicants shall consult with State educational agencies and local educational agencies in the application process.

[SEC. 1458. COORDINATION, DISSEMINATION, AND REPORT.

[(a) Coordination.—Each program established under this subpart shall—

[(1) coordinate its activities with technical assistance centers established under section 1436(d),

[(2) coordinate its activities with the activities of local educational agencies and State educational agencies under section 1021, and

[(3) assist in identifying successful programs and practices for dissemination through existing dissemination networks and efforts.

[(b) Dissemination and Report.—(1) Each rural assistance program shall be accessible through electronic means.

[(2) Regional rural assistance programs shall submit a report to the Secretary every 2 years containing such reasonable information about its activities as the Secretary may request, but including at a minimum information on efforts to provide effective services under this chapter in rural school districts facing declining enrollments, with particular attention to issues inherent in consolidating, jointly administering, or otherwise combining the resources of 2 or more districts.

[SEC. 1459. AUTHORIZATION OF APPROPRIATIONS.

[There are authorized to be appropriated $10,000,000 for fiscal year 1989 and such sums as may be necessary for each of the fiscal years 1990, 1991, 1992, and 1993.

[Subpart 4—Studies

[SEC. 1461. REPORT ON STATE AND LOCAL EVALUATIONS.

[The Secretary shall submit a comprehensive and detailed report concerning State and local evaluation results based on data collected under sections 1019, 1107(a), 1202(a)(6), and 1242(d) to the appropriate committees of the Congress on a biennial basis.

[SEC. 1462. NATIONAL STUDY ON EFFECT OF PROGRAMS ON CHILDREN.

[(a) NATIONAL LONGITUDINAL STUDY.—The Secretary shall contract with a qualified organization or agency to conduct a national longitudinal study of eligible children participating in programs under this chapter. The study shall assess the impact of participation by such children in chapter 1 programs until they are 18 years of age. The study shall compare educational achievement of those children with significant participation in chapter 1 programs and comparable children who did not receive chapter 1 services. Such study shall consider the correlations between participation in programs under this chapter and academic achievement, delinquency rates, truancy, school dropout rates, employment and earnings, and enrollment in postsecondary education. The study shall be conducted throughout the country in urban, rural, and suburban areas and shall be of sufficient size and scope to assess and evaluate the effect of the program in all regions of the Nation.

[(b) FOLLOW-UP.—The agency or organization with which the Secretary has entered a contract under subsection (a) shall conduct a follow-up of the initial survey which shall include a periodic update on the participation and achievement of a representative group of children who participated in the initial study. Such follow-up shall evaluate the effects of participation until such children are 25 years of age.

[(c) REPORT.—A final report summarizing the findings of the study shall be submitted to the appropriate committees of the Congress not later than January 1, 1997; an interim report shall be so submitted not later than January 1, 1993.

[SEC. 1463. AUTHORIZATION OF APPROPRIATIONS.

[There are authorized to be appropriated $4,000,000 for the fiscal year 1989, $4,200,000 for the fiscal year 1990, $4,400,000 for the fiscal year 1991, $4,700,000 for the fiscal year 1992, and $5,000,000 for the fiscal year 1993 for carrying out sections 1461 and 1462.

[Subpart 5—Definitions

[SEC. 1471. DEFINITIONS.

[Except as otherwise provided, for purposes of this Act:

[(1) The term "average daily attendance" means attendance determined in accordance with State law, except that notwithstanding any other provision of this chapter, where the local educational agency of the school district in which any child resides makes or contracts to make a tuition payment for the free public education of such child in a school situated in another school district, for purposes of this chapter the attendance of such child at such school shall be held and considered

(A) to be in attendance at a school of the local educational agency so making or contracting to make such tuition payment, and (B) not to be in attendance at a school of the local educational agency receiving such tuition payment or entitled to receive such payment under the contract.

[(2) The term "average per pupil expenditure" means in the case of a State or the United States, the aggregate current expenditures, during the third fiscal year preceding the fiscal year for which the computation is made (or if satisfactory data for that year are not available at the time of computation, then during the most recent preceding fiscal year for which satisfactory data are available), of all local educational agencies in the State, or in the United States (which for the purposes of this subsection means the 50 States, and the District of Columbia), as the case may be, plus any direct current expenditures by the State for operation of such agencies (without regard to the source of funds from which either of such expenditures are made), divided by the aggregate number of children in average daily attendance to whom such agencies provided free public education during such preceding year.

[(3) The term "community-based organization" means a private nonprofit organization which is representative of a community or significant segments of a community and which provides educational or related services to individuals in the community.

[(4) The term "construction" includes the preparation of drawings and specifications for school facilities; erecting, building, acquiring, altering, remodeling, improving, or extending school facilities; and the inspection and supervision of the construction of school facilities.

[(5) The term "country" means those divisions of a State utilized by the Secretary of Commerce in compiling and reporting data regarding counties.

[(6) The term "current expenditures" means expenditures for free public education, including expenditures for administration, instruction, attendance, and health services, pupil transportation services, operation and maintenance of plant, fixed charges, and net expenditures to cover deficits for food services and student body activities, but not including expenditures for community services, capital outlay, and debt service, or any expenditures made from funds granted under this chapter, chapter 2 of this title, or chapter 1 or 2 of the Education Consolidation and Improvement Act of 1981.

[(7) The term "effective school programs" means school-based programs that may encompass preschool through secondary school levels and that have the objective of (A) promoting school-level planning, instructional improvement, and staff development, (B) increasing the academic achievement levels of all children and, particularly, educationally deprived children, and (C) achieving as ongoing conditions in the school the following factors identified through effective school research as distinguishing effective from ineffective schools—

[(i) strong and effective administrative and instructional leadership that creates consensus on instructional goals and organizational capacity for instructional problem solving;

[(ii) emphasis on the acquisition of basic and higher order skills;

[(iii) a safe and orderly school environment that allows teachers and pupils to focus their energies on academic achievement;

[(iv) a climate of expectations that all children can learn under appropriate conditions; and

[(v) continuous assessment of students and programs to evaluate the effects of instruction.

[(8) The term "elementary school" means a day or residential school which provides elementary education, as determined under State law.

[(9) The term "equipment" includes machinery, utilities, and building equipment and any necessary enclosures or structures to house them, and includes all other items necessary for the functioning of a particular facility as a facility for the provision of educational services, including items such as instructional equipment and necessary furniture, printed, published, and audio-visual instructional materials, and books, periodicals, documents, and other related materials.

[(10) The term "institution of higher education" has the meaning given that term in section 1201(a) of the Higher Education Act of 1965.

[(11) The term "free public education" means education which is provided at public expense, under public supervision and direction, and without tuition charge, and which is provided as elementary or secondary school education in the applicable State, except that such term does not include any education provided beyond grade 12.

[(12) The term "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. Such term includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

[(13) The term "more advanced skills" means skills including reasoning, analysis, interpretation, problem-solving, and decisionmaking as they relate to the particular subjects in which instruction is provided under programs supported by this chapter.

[(14) The term "parent" includes a legal guardian or other person standing in loco parentis.

[(15) The term "parent advisory council" means a body composed primarily of members who are parents of children served by the programs or projects assisted under this chapter and who are elected by such parents, in order to advise the State or local educational agency in the planning, implementation, and evaluation of programs under this chapter.

[(16) The term "project area" means a school attendance area having a high concentration of children from low-income families which, without regard to the locality of the project itself, is designated as an area from which children are to be selected to participate in a program or project assisted under this chapter.

[(17) The terms "pupil services personnel" and "pupil services" mean school counselors, school social workers, school psychologists, and other qualified professional personnel involved in providing assessment, diagnosis, counseling, educational, therapeutic, and other necessary services as part of a comprehensive program to meet student needs, and the services provided by such individuals.

[(18) The term "school attendance area" means in relation to a particular school, the geographical area in which the children who are normally served by that school reside.

[(19) The term "school facilities" means classrooms and related facilities (including initial equipment) for free public education and interests in land (including site, grading, and improvements) on which such facilities are constructed, except that such term does not include those gymnasiums and similar facilities intended primarily for exhibitions for which admission is to be charged to the general public.

[(20) The term "Secretary" means the United States Secretary of Education.

[(21) The term "secondary school" means a day or residential school which provides secondary education, as determined under State law, except that it does not include any education provided beyond grade 12.

[(22) The term "State" means a State, the Commonwealth of Puerto Rico, Guam, the District of Columbia, American Samoa, the Virgin Islands, the Northern Mariana Islands, or the Trust Territory of the Pacific Islands.

[(23) The term "State educational agency" means the officer or agency primarily responsible for the State supervision of public elementary and secondary schools.

[Subpart 6—Miscellaneous Provisions

[SEC. 1491. TRANSITION PROVISIONS.

[(a) REGULATIONS.—All orders, determinations, rules, regulations, permits, grants, and contracts, which have been issued by the Secretary under chapter 1 of the Education Consolidation and Improvement Act of 1981 and title I of this Act (as in effect on the date before the effective date of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988), or which are issued under such Acts on or before the effective date of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 shall continue in effect until modified or revoked by the Secretary, by a court of competent jurisdiction, or by operation of law.

[(b) Effect on Pending Proceedings.—The provisions of this chapter shall not affect administrative or judicial proceedings pending on the effective date of this section under chapter 1 of the Education Consolidation and Improvement Act of 1981 or this title.

[(c) Transition.—With respect to the period beginning on July 1, 1988, and ending June 30, 1989, no recipient of funds under this chapter, or chapter 2 of this title, or under chapter 1 or 2 of the Education Consolidation and Improvement Act of 1981 shall be held to have expended such funds in violation of the requirements of this Act or of such Act if such funds are expended either in accordance with this Act or such Act.

[CHAPTER 2—FEDERAL, STATE, AND LOCAL PARTNERSHIP FOR EDUCATIONAL IMPROVEMENT

[SEC. 1501. FINDINGS AND STATEMENT OF PURPOSE.

[(a) Findings.—The Congress finds that—

[(1) chapter 2 of the Education Consolidation and Improvement Act of 1981 has been successful in achieving the goals of increasing local flexibility, reducing administrative burden, providing services for private school students, encouraging innovation, and contributing to the improvement of elementary and secondary educational programs;

[(2) State and local governments have placed a new focus on education;

[(3) school effectiveness can be increased through effective schools programs to improve student achievement, student behavior teaching, learning, and school management; and

[(4) teachers make a significant and positive contribution to the education of our Nation's students, and local educational agencies are encouraged to recognize this contribution.

[(b) Statement of Purpose.—It is the purpose of programs under this chapter—

[(1) to provide the initial funding to enable State and local educational agencies to implement promising educational programs that can be supported by State and local sources of funding after such programs are demonstrated to be effective;

[(2) to provide a continuing source of innovation, educational improvement, and support for library and instructional materials;

[(3) to meet the special educational needs of at risk and high cost students, as described in section 1531(b);

[(4) to enhance the quality of teaching and learning through initiating and expanding effective schools programs; and

[(5) to allow State and local educational agencies to meet their educational needs and priorities for targeted assistance described in section 1531.

[(c) State and Local Responsibility.—The basic responsibility for the administration of funds made available under this chapter is in the State educational agencies, but it is the intent of Congress that this responsibility be carried out with a minimum of paperwork and that the responsibility for the design and implementation of programs assisted under this chapter will be mainly that of local educational agencies, school superintendents and principals, and classroom teachers and supporting personnel, because they have the most direct contact with students and are most directly responsible to parents and because they are the most likely to be able to design programs to meet the educational needs of students in their own districts.

[SEC. 1502. AUTHORIZATION OF APPROPRIATIONS; DURATION OF ASSISTANCE.

[(a) Authorization.—There are authorized to be appropriated $580,000,000 for the fiscal year 1989, $610,000,000 for the fiscal year 1990, $640,000,000 for the fiscal year 1991, $672,000,000 for the fiscal year 1992, and $706,000,000 for the fiscal year 1993, to carry out the provisions of this chapter.

[(b) Duration of Assistance.—During the period beginning October 1, 1988, and ending September 30, 1993, the Secretary shall, in accordance with the provisions of this chapter, make payment to State educational agencies for the purpose of this chapter.

[PART A—STATE AND LOCAL PROGRAMS

[Subpart 1—General Provisions

[SEC. 1511. ALLOTMENT TO STATES.

[(a) Reservations.—(1) From the sums appropriated to carry out this chapter in any fiscal year, the Secretary shall reserve not to exceed 1 percent for payments to Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands, to be allotted in accordance with their respective needs.

[(2) The Secretary shall reserve an additional amount, not to exceed 6 percent of the sums appropriated in each fiscal year, to carry out the provisions of part B.

[(b) Allotment.—From the remainder of such sums the Secretary shall allot to each State an amount which bears the same ratio to the amount of such remainder as the school-age population of the State bears to the school-age population of all States, except that no State shall receive less than an amount equal to one-half of 1 percent of such remainder.

[(c) Definitions.—For purposes of this section—

[(1) The term "school-age population" means the population aged 5 through 17.

[(2) The term "States" includes the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

[SEC. 1512. ALLOCATION TO LOCAL EDUCATIONAL AGENCIES.

[(a) Distribution Rule.—From the sum made available each year under section 1511, the State educational agency shall distribute not less than 80 percent to local educational agencies within such State according to the relative enrollments in public and private, nonprofit schools within the school districts of such agencies, adjusted, in accordance with criteria approved by the Secretary, to provide higher per pupil allocations to local educational agencies which have the greatest numbers or percentages of children whose education imposes a higher than average cost per child, such as—

[(1) children living in areas with high concentrations of low-income families,

[(2) children from low-income families, and

[(3) children living in sparsely populated areas.

[(b) CALCULATION OF ENROLLMENTS.—(1) The calculation of relative enrollments under subsection (a) shall be on the basis of the total of—

[(A) the number of children enrolled in public schools, and

[(B) the number of children enrolled in private nonprofit schools that desire that their children participate in programs or projects assisted under this chapter,

for the fiscal year preceding the fiscal year in which the determination is made. Nothing in this subsection shall diminish the responsibility of local educational agencies to contact, on an annual basis, appropriate officials from private nonprofit schools within the areas served by such agencies in order to determine whether such schools desire that their children participate in programs assisted under this chapter.

[(2)(A) Relative enrollments under subsection (a) shall be adjusted, in accordance with criteria approved by the Secretary under subparagraph (B), to provide higher per pupil allocations only to local educational agencies which serve the greatest numbers or percentages of—

[(i) children living in areas with high concentrations of low-income families,

[(ii) children from low-income families, or

[(iii) children living in sparsely populated areas.

[(B) The Secretary shall review criteria submitted by a State educational agency for adjusting allocations under paragraph (1) and shall approve such criteria only if the Secretary determines that such criteria are reasonably calculated to produce an adjusted allocation that reflects the relative needs within the State's local educational agencies based on the factors set forth in subparagraph (A).

[(c) PAYMENT OF ALLOCATIONS.—

[(1) From the funds paid to it pursuant to section 1511 for a fiscal year, a State educational agency shall distribute to each eligible local educational agency which has submitted an application as required in section 1533 the amount of its allocation as determined under subsection (a).

[(2)(A) Additional funds resulting from higher per pupil allocations provided to a local educational agency on the basis of adjusted enrollments of children described in subsection (a), may, at the discretion of the local educational agency, be allocated for expenditures to provide services for children enrolled in public and private nonprofit schools in direct proportion to the number of children described in subsection (a) and enrolled in such schools within the local educational agency.

[(B) In any fiscal year, any local educational agency that elects to allocate such additional funds in the manner described in subparagraph (A) shall allocate all additional funds to schools within the local educational agency in such manner.

[(C) The provisions of subparagraphs (A) and (B) may not be construed to require any school to limit the use of such additional funds to the provision of services to specific students or categories of students.

[Subpart 2—State Programs

[SEC. 1521. STATE USES OF FUNDS.

[(a) Authorized Activities.—A State educational agency may use funds reserved for State use under this chapter only for—

[(1) State administration of programs under this chapter including—

[(A) supervision of the allocation of funds to local educational agencies;

[(B) planning, supervision, and processing of State funds;

[(C) monitoring and evaluation of programs and activities under this part; and

[(D) operations of the State advisory committee;

[(2) technical assistance and direct grants to local educational agencies and statewide activities which assist local educational agencies to provide targeted assistance as provided in section 1531; and

[(3) assistance to local educational agencies and statewide activities to carry out effective schools programs under subpart 4.

[(b) Limitations and Requirements.—

[(1) Not more than 25 percent of funds available for State programs under this part in any fiscal year may be used for State administration under subsection (a)(1).

[(2)(A) At least 20 percent of funds available for State programs under this part in any fiscal year shall be used for effective schools programs under subsection (a)(3).

[(B) If a State is spending from non-Federal sources an amount equal to twice as much as the State is required to use for the purposes of subsection (a)(3), the Secretary may waive the requirement of subparagraph (A). In deciding whether or not to grant such a waiver, the Secretary shall use the definition of effective schools contained in section 1471(18).

[SEC. 1522. STATE APPLICATIONS.

[(a) Application Requirements.—Any State which desires to receive grants under this chapter shall submit to the Secretary an application which—

[(1) designates the State educational agency as the State agency responsible for the administration and supervision of programs assisted under this chapter;

[(2) provides for a process of active and continuing consultation with the State educational agency of an advisory committee, appointed by the Governor and determined by the Governor to be broadly representative of the educational interests and the general public in the State, including individuals representative of—

[(A) public and private elementary and secondary schoolchildren;

[(B) classroom teachers;

[(C) parents of elementary and secondary schoolchildren;

[(D) local boards of education;

[(E) local and regional school administrators (including principals, superintendents, and administrators of intermediate educational units);

[(F) institutions of higher education;

[(G) the State legislature;

[(H) elementary and secondary school librarians; and

[(I) school counselors and other pupil services personnel, to advise the State educational agency on the allocation among targeted programs in accordance with section 1531 (not to exceed 20 percent of the amount of the State's allotment) reserved for State use under section 1512(a), on the formula for the allocation of funds to local educational agencies, and on the planning, development, support, implementation, and evaluation of State programs assisted under this chapter;

[(3)(A) sets forth planned allocation of funds reserved for State use under section 1512(a) among the targeted assistance programs described in section 1531 and describes programs, projects, and activities which are designed to carry out such targeted assistance, together with the reasons for the selection of such programs, projects, and activities; and

[(B) sets forth the allocation of such funds required to implement section 1572;

[(4) describes how funds reserved under section 1521(b)(2) will be used to carry out subpart 4;

[(5) provides for timely public notice and public dissemination of the information provided pursuant to paragraphs (2) and (3);

[(6)(A) provides for an annual submission of data on the use of funds, the types of services furnished, and the students served under this chapter;

[(B) in fiscal year 1992, provides for an evaluation of the effectiveness of programs assisted under this chapter, which shall include comments of the advisory committee, and shall be made available to the public;

[(7) provides that the State educational agency will keep such records and provide such information to the Secretary as may be required for fiscal audit and program evaluation (consistent) with the responsibilities of the Secretary under this chapter);

[(8) provides assurance that, apart from technical and advisory assistance and monitoring compliance with this chapter, the State educational agency has not exercised and will not exercise any influence in the decisionmaking processes of local educational agencies as to the expenditures made pursuant to an application under section 1531;

[(9) provides the following information: (A) how the State will adjust its formula to comply with section 1512(b)(2), (B) how children under section 1512(b)(2)(A) are defined, (C) the basis on which a determination of the local educational agencies under section 1512(b)(2)(A) is made, and (D) the percentage of the State grant which is proposed to be allotted on an adjusted basis under section 1512; and

[(10) contains assurances that there is compliance with the specific requirements of this chapter.

[(b) PERIOD OF APPLICATION.—An application filed by the State under subsection (a) shall be for a period not to exceed 3 years, and may be amended annually as may be necessary to reflect changes without filing a new application.

[(c) AUDIT RULE.—Notwithstanding section 1745 of the Omnibus Budget Reconciliation Act of 1981, local educational agencies receiving less than an average $5,000 each year under this chapter need not be audited more frequently than once every 5 years.

[Subpart 3—Local Targeted Assistance Programs

[SEC. 1531. TARGETED USE OF FUNDS.

[(a) GENERAL RULE.—Funds allocated for use under this chapter shall be used by State and local educational agencies for targeted assistance described in subsection (b).

[(b) TARGETED ASSISTANCE.—The targeted assistance programs referred to in subsection (a) are—

[(1) programs to meet the educational needs of students at risk of failure in school and of dropping out and students for whom providing an education entails higher than average costs;

[(2) programs for the acquisition and use of instructional and educational materials, including library books, reference materials, computer software and hardware for instructional use, and other curricular materials that would be used to improve the quality of instruction;

[(3) innovative programs designed to carry out schoolwide improvements, including the effective schools program;

[(4) programs of training and professional development to enhance the knowledge and skills of educational personnel, including teachers, librarians, school counselors and other pupil services personnel, and administrators and school board members;

[(5) programs of training to enhance the ability of teachers and school counselors to identify, particularly in the early grades, students with reading and reading-related problems that place such students at risk for illiteracy in their adult years;

[(6) programs designed to enhance personal excellence of students and student achievement, including instruction in ethics, performing and creative arts, humanities, activities in physical fitness and comprehensive health education, and participation in community service projects; and

[(7) other innovative projects which would enhance the educational program and climate of the school, including programs for gifted and talented students, technology education programs, early childhood education programs, community education and programs for youth suicide prevention.

[SEC. 1532. AUTHORIZED ACTIVITIES.

[(a) IN GENERAL.—Activities authorized under this subpart may include the planning, development, or operation and expansion of programs, projects, and activities which are designed to carry out the targeted assistance described in section 1531. Such activities may include—

[(1) training of educational personnel in any of the targeted assistance programs described;

[(2) guidance and counseling services; and

[(3) any other education or related activities which the State or local educational agency determines will contribute to improving the programs described in section 1531.

[(b) Administrative Authority.—In order to conduct the activities authorized by this part, each State or local educational agency may use funds reserved for this part to make grants to and to enter into contracts with local educational agencies, institutions of higher education, libraries, museums, and other public and private nonprofit agencies, organizations, and institutions.

[SEC. 1533. LOCAL APPLICATIONS.

[(a) Contents of Application.—A local educational agency or consortia of local educational agencies may receive an allocation of funds under this chapter for any year for which an application is submitted to the Senate educational agency and such application is certified to meet the requirements of this section. The State educational agency shall certify any such application if such application—

[(1)(A) sets forth the planned allocation of funds among targeted assistance programs described in section 1531 of this chapter and describes the programs, projects, and activities designed to carry out such targeted assistance which it intends to support, together with the reasons for the selection of such programs, projects, and activities; and

[(B) sets forth the allocation of such funds required to implement section 1572;

[(2) describes how assistance under this chapter will contribute to the goals of the program of improving student achievement or improving the quality of education for students;

[(3) provides assurances of compliance with provisions of this chapter including the participation of children enrolled in private, nonprofit schools in accordance with section 1572;

[(4) agrees to keep such records, and provide such information to the State educational agency as reasonably may be required for fiscal audit and program evaluation, consistent with the responsibilities of the State agency under this chapter; and

[(5) provides, in the allocation of funds for the assistance authorized by this chapter, and in the design, planning, and implementation of such programs, for systematic consultation with parents of children attending elementary and secondary schools in the areas served by the local agency, with teachers and administrative personnel in such schools, and with other groups involved in the implementation of this chapter (such as librarians, school counselors, and other pupil services personnel) as may be considered appropriate by the local educational agency.

[(b) Period of Application.—An application filed by a local educational agency under subsection (a) shall be for a period not to exceed 3 fiscal years, may provide for the allocation of funds among programs and purposes authorized by this chapter for a period of 3 year, and may be amended annually as may be necessary to reflect changes without filing a new application.

[(c) LOCAL, EDUCATIONAL AGENCY DISCRETION.—Subject to the limitations and requirements of this chapter, a local educational agency shall have complete discretion in determining how funds under this subpart shall be divided among the areas of targeted assistance of this subpart. In exercising such discretion, a local educational agency shall ensure that expenditures under this subpart carry out the purposes of this chapter and are intended to meet the educational needs with the schools of that local educational agency.

[Subpart 4—Effective Schools Programs

[SEC. 1541. ESTABLISHMENT.

[Funds shall be available under this chapter in accordance with sections 1521 and 1531 to—

[(1) plan, implement, support, evaluate, revise, and strengthen effective schools programs;

[(2) plan and conduct training and other professional development activities for teachers, administrators and other education personnel on the implementation of effective schools programs.

[(3) provide technical assistance and promote State and local educational agency awareness of effective schools research, model programs, and implementation.

[(4) develop and implement systems to evaluate and analyze effective schools programs;

[(5) improve parent and community involvement and participation as part of an ongoing effective schools program;

[(6) support model and demonstration programs related to effective schools programs; and

[(7) develop and disseminate educational materials related to effective schools programs,

[SEC. 1542. EFFECTIVE SCHOOLS.

[For the purposes of the chapter the term "effective schools programs" means school-based programs that may encompass preschool through secondary school levels and that have the objectives of (1) promoting school-level planning instructional improvement, and staff development, (2) increasing the academic achievement levels of all children and particularly educationally deprived children, and (3) achieving as ongoing conditions in the school the following factors identified through effective schools research as distinguishing effective from ineffective schools:

[(A) strong and effective administrative and instructional leadership that creates consensus on instructional goals and organizational capacity for instructional problem solving;

[(B) emphasis on the acquisition of basic and higher order sills;

[(C) a safe and orderly school environment that allows teachers and pupils to focus their energies on academic achievement;

[(D) a climate of expectation that virtually all children can learn under appropriate conditions; and

[(E) continuous assessment of students and programs to evaluate the effects of instruction.

[PART B—NATIONAL PROGRAMS AND ACTIVITIES

[SEC. 1561. GENERAL AUTHORITY.

[(a) AUTHORIZATION.—From funds reserved under section 1511(a)(2), the Secretary is authorized to carry out the programs and activities under this part.

[(b) PRIORITY FUNDING.—Subject to the availability of funds for any fiscal year for this part, the Secretary shall make available—

[(1) not less than $11,200,000 for National Diffusion Network activities under section 1562;

[(2) not less than $8,200,000 for the Inexpensive Book Distribution program under section 1563;

[(3) not less than $3,500,000 for the Arts in Education program under section 1564;

[(4) not less than $3,200,000 for the law-related education program under section 1565; and

[(5) not more than $1,500,000 for the Blue Ribbon Schools program under section 1566.

[SEC. 1562. NATIONAL DIFFUSION NETWORK ACTIVITIES.

[(a) PURPOSES.—The National Diffusion Network shall be a national program that recognizes and furthers excellence in education by—

[(1) promoting the awareness and implementation of exemplary educational programs, products, and practices to interested elementary, secondary, and postsecondary institutions throughout the Nation; and

[(2) promoting the utilization of the knowledge, talents, and services of local staff associated with various educational excellence recognition efforts.

The National Diffusion Network shall be designed to improve the quality of education through the implementation of promising and validated innovations and improvements in educational programs, products, and practices, and through the provision of training, consultation, and related assistance services.

[(b) RESPONSIBILITIES OF SECRETARY.—In carrying out the activities under this section, which shall be limited to activities directly related to the National Diffusion Network, the Secretary shall—

[(1) acquaint persons responsible for the operation of elementary, secondary, and postsecondary schools with information about exemplary educational programs, products, practices, and services;

[(2) assist such persons in implementing programs, products, and practices which such persons determine may improve the quality of education in the schools for which they are responsible, by providing materials, initial training, and ongoing implementation assistance;

[(3) ensure that all such activities, programs, products, and practices are subjected to rigorous evaluation with respect to their effectiveness and their capacity for implementation;

[(4) provide program development assistance toward the recognition, dissemination, and implementation of promising practices that hold the potential for answering critical needs and that have achieved credibility because of their effective use in schools; and

[(5) ensure that a substantial percentage of the innovations disseminated represent significant changes in practice for schools and teachers.

In carrying out paragraph (3) of this section, the Secretary shall conduct a single external review by a program effectiveness panel that focuses exclusively on whether the program is efficacious and transferable to other educational settings. Any activity, program, product, or practice which meets the criteria of the preceding sentence may then be disseminated through the National Diffusion Network, and each eligible recipient (as described in subsection (c)) may apply for assistance in accordance with subsection (d).

[(c) ELIGIBLE RECIPIENTS OF GRANTS AND CONTRACTS.—For the purpose of carrying out the activities under this section, the Secretary is authorized to make grants to, and contracts with, local educational agencies, State educational agencies, institutions of higher education, and other public and private nonprofit educational institutions and organizations.

[(d) FUNDING CRITERIA.—(1) For the purpose of determining which projects to fund under this section, the Secretary shall assess the extent to which the projects meet the following criteria:

[(A) The applicant has a workable plan for disseminating its program.

[(B) The program's approach is innovative.

[(C) The program is accurate and up-to-date.

[(2) Each applicant for assistance under this section shall submit statements and supporting materials as required by the Secretary but shall not be required to submit more than a representative sample of the program materials of the applicant.

[(3) In establishing regulations under this section, including the specific evaluation criteria under paragraph (1), the Secretary shall consult with interested parties, including participants in the National Diffusion Network.

[(4) For fiscal year 1988 only, the Secretary shall assess applications for financial assistance under this section on the basis of the application or reapplication proposals.

[SEC. 1563. INEXPENSIVE BOOK DISTRIBUTION PROGRAM FOR READING MOTIVATION.

[(a) AUTHORIZATION.—The Secretary is authorized (1) to enter into a contract with Reading is Fundamental (RIF) (hereinafter in this section referred to as the "contractor"), a private nonprofit organization which has as its primary purpose the motivation of children to learn to read, to support and promote the establishment of reading motivation programs which include the distribution of inexpensive books to students, and (2) to pay the Federal share of the cost of such programs.

[(b) REQUIREMENTS OF CONTRACT.—The contract shall provide that—

[(1) the contractor will enter into subcontracts with local private nonprofit groups or organizations or with public agencies (hereinafter referred to as "subcontractors") under which the subcontractors will agree to establish, operate, and provide the non-Federal share of the cost of reading motivational programs which include the distribution of books by gift or loan, to preschool and elementary and secondary school children;

[(2) funds made available by the Secretary to a contractor pursuant to any contract entered into under this section will be used to pay the Federal share of the cost of establishing and operating reading motivational programs as provided in paragraph (1);

[(3) in the fiscal year 1991 and each succeeding fiscal year, the contractor will give priority in the selection of additional local programs to programs and projects which serve children and students with special needs including, at a minimum-

[(A) low-income children (particularly such children in high poverty areas);

[(B) children at risk for school failure;

[(C) children with disabilities;

[(D) emotionally disturbed children;

[(E) foster children;

[(F) homeless children;

[(G) migrant children;

[(H) children without access to libraries;

[(I) institutionalized or incarcerated children; and

[(J) children whose parents are institutionalized or incarcerated; and

[(4) the contractor will meet such other conditions and standards as the Secretary determines to be necessary to assure the effectiveness of the programs authorized by this section and will provide such technical assistance as may be necessary to carry out the purposes of this section.

[(c) RESTRICTION ON PAYMENTS.—The Secretary shall make no payment of the Federal share of the cost of acquiring and distributing books pursuant to a contract authorized by this section unless the Secretary determines that the contractor or subcontractor, as the case may be, has made arrangements with book publishers or distributors to obtain books at discounts at least as favorable as discounts that are customarily given by such publisher or distributor for book purchases made under similar circumstances in the absence of Federal assistance.

[(d) DEFINITIONS.—For purposes of this section the term "Federal share" means—

[(1) with respect to the cost of books purchased by a subcontractor for a program in a locality for distribution of such books to children in that locality, 75 percent of the cost to such subcontractor; or

[(2) with respect to the cost of books purchased by a subcontractor for a program of distribution of books to children of migrant or seasonal farm works, 100 percent of the cost to such subcontractor for such books.

[SEC. 1564. ARTS IN EDUCATION PROGRAM.

[The Secretary shall carry out a program of grants and contracts to encourage and assist State and local educational agencies and other public and private agencies, organizations, and institutions to establish and conduct programs in which the arts are an integral part of elementary and secondary school curricula such as—

[(1) programs with public and private cultural organizations, agencies, and institutions, including museums, libraries, and theaters;

[(2) a program to develop and implement model projects and programs in the performing arts by children and youth, through arrangements made with the John F. Kennedy Center for the Performing Arts; and

[(3) a program for the identification, development and implementation of model programs and projects in the arts for individuals with handicaps through arrangements with the organization Very Special Arts.

[SEC. 1565. LAW-RELATED EDUCATION PROGRAM.

[(a) AUTHORIZATION.—(1) The Secretary shall carry out a program of grants and contracts to encourage State and local educational agencies and other public and private nonprofit agencies, organizations, and institutions to provide law-related education programs.

[(2) The Secretary shall give priority for grants and contracts under this section to agencies organizations, and institutions described in paragraph (1) that plan to operate statewide programs.

[(3)(A) Except as provided in subparagraph (B), the Secretary shall award grants and enter into contracts under this section for periods of 2 or 3 years.

[(B) The Secretary may award a grant or enter into a contract under this section for a period of less than 2 years in any case in which the Secretary determines that special circumstances exist.

[(b) DEFINITION.—For the purpose of this section, the term "law-related education" means education to equip nonlawyers with knowledge and skills pertaining to the law, the legal process, the legal system, and the fundamental principles and values on which they are based.

[(c) AUTHORIZED ACTIVITIES.—Funds made available for the purposes of this section may be available for activities such as—

[(1) awareness activities to provide educators, law-related personnel, and the public with an understanding of what law-related education is;

[(2) support for new and ongoing programs in elementary and secondary schools, adult education, community organizations, and institutions of higher education, to provide law-related education, to develop materials and methods, to conduct pilot and demonstration projects, and to disseminate the products of such activities.

[(3) clearinghouse and technical assistance, to collect and provide information and assistance to institutions, groups, agencies, organizations, and individuals to aid in establishing, improving, and expanding law-related education activities;

[(4) training for law-related personnel in the substance and practice of law-related education, including preservice and inservice seminars, workshops, institutes, and courses;

[(5) research and evaluation to study and improve the effectiveness of materials and methods in law-related education;

[(6) involvement of law-related organizations, agencies, and personnel, such as lawyers, law school, law students, and law enforcement personnel in the provision of law-related education activities; and

[(7) youth internships for outside-the-classroom experiences with the law and the legal system.

[(d) APPLICATIONS.—

[(1) Any agency, organization, or institution described in subsection (a)(1) that desires to receive a grant or enter into a contract under this section shall submit an application to the Secretary as such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

[(2) The Secretary shall convene a panel of experts for purposes of reviewing applications submitted under paragraph (1). Such experts shall be individuals who have experience in and are familiar with law-related education.

[SEC. 1566. BLUE RIBBON SCHOOL PROGRAM.

[(a) GENERAL AUTHORITY.—Subject to subsection (d), the Secretary is authorized to carry out programs to recognize elementary and secondary schools or programs which have established standards of excellence and which have demonstrated a high level of quality. Such programs shall be designated as "Blue Ribbon Schools". In selecting schools and programs to be recognized, the Secretary shall competitively select public and private schools or programs within local educational agencies in the States, schools operated for Indian children by the Department of the Interior, and schools operated by the Department of Defense for dependents of Department of Defense personnel.

[(b) SELECTION PROCESS.—(1) The Secretary shall designate, each fiscal year, several categories for a Blue Ribbon Schools program. Such categories may include, but shall not be limited to, outstanding elementary schools, outstanding secondary schools, outstanding mathematics and science programs or outstanding reading programs.

[(2) Within each category, the Secretary shall determine the criteria and procedures for selection. Selection for such awards shall be based solely on merit. Schools or programs selected for awards under this section shall not be required to be representative of the States.

[(c) ADMINISTRATIVE PROVISIONS.—(1) The Secretary shall carry out the provisions of this section including the establishment of the selection procedures, after consultation with appropriate outside parties.

[(2) No award may be made under this section unless the local educational agency submits an application to the Secretary at such time, in such manner, and containing such information, as the Secretary may reasonably require.

[(3) For the purposes of this section, the term "State" means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

[(d) BLUE RIBBON AWARDS FOR CORRECTIONAL EDUCATION PROGRAMS.—The Secretary, through nominations provided by the Office on Correctional Education after consultation with representatives of correctional education organizations and others active in literacy education, shall annually make 1 or more awards under this section of effective and innovative programs for inmate education and literacy.

[PART C—GENERAL ADMINISTRATIVE PROVISIONS

[SEC. 1571. MAINTENANCE OF EFFORT; FEDERAL FUNDS SUPPLEMENTARY.

[(a) MAINTENANCE OF EFFORT.—(1) Except as provided in paragraph (2), a State is entitled to receive its full allocation of funds under this chapter for any fiscal year if the Secretary finds that either the combined fiscal effort per student or the aggregate expenditures within the State with respect to the provision of free public education for the preceding fiscal year was not less than 90 percent of such combine fiscal effort or aggregate expenditures for the second preceding fiscal year.

[(2) The Secretary shall reduce the amount of the allocation of funds under this chapter in any fiscal year in the exact proportion to which the State fails to meet the requirements of paragraph (1) by falling below 90 percent of both the fiscal effort per student and aggregate expenditures (using the measure most favorable to the State), and no such lesser amount shall be used for computing the effort required under paragraph (1) for subsequent years.

[(3) The Secretary may waive, for 1 fiscal year only, the requirements of this subsection if the Secretary determines that such a waiver would be equitable due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State.

[(b) FEDERAL FUNDS SUPPLEMENTARY.—A State or local educational agency may use and allocate funds received under this chapter only so as to supplement and, to the extent practical, increase the level of funds that would, in the absence of Federal funds made available under this chapter, be made available from non-Federal sources, and in no case may such funds be used so as to supplant funds from non-Federal sources.

[SEC. 1572. PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.

[(a) PARTICIPATION ON EQUITABLE BASIS.—(1) To the extent consistent with the number of children in the school district of a local educational agency which is eligible to receive funds under this chapter or which serves the area in which a program or project assisted under this chapter is located who are enrolled in private nonprofit elementary and secondary schools, or with respect to instructional or personnel training programs funded by the State educational agency from funds reserved for State use, such agency, after consultation with appropriate private school officials, shall provide for the benefit of such children in such schools secular, neutral, and nonideological services, materials, and equipment, including the participation of the teachers of such children (and other educational personnel serving such children) in training programs, and the repair, minor remodeling, or construction of public facilities as may be necessary for their provision (consistent with subsection (c) of this section), or, if such services, materials, and equipment are not feasible or necessary in one or more such private schools as determined by the local educational agency after consultation with the appropriate private school officials, shall provide such other arrangements as will assure equitable participation of such children in the purposes and benefits of this chapter.

[(2) If no program or project is carried out under subsection (a)(1) of this section in the school district of a local educational agency, the State educational agency shall make arrangements, such as through contracts with nonprofit agencies or organizations, under which children in private schools in that district are provided with services and materials to the extent that would have occurred if the local educational agency had received funds under this chapter.

[(3) The requirements of this section relating to the participation of children, teachers, and other personnel serving such children shall apply to programs and projects carried out under this chapter by a State or local educational agency, whether directly or through grants to or contracts with other public or private agencies, institutions, or organizations.

[(b) Equal Expenditures.—Expenditures for programs pursuant to subsection (a) shall be equal (consistent with the number of children to be served) to expenditures for programs under this chapter for children enrolled in the public schools of the local educational agency, taking into account the needs of the individual children and other factors which relate to such expenditures, and when funds available to a local educational agency under this chapter are used to concentrate programs or projects on a particular group, attendance area, or grade or age level, children enrolled in private schools who are included within the group, attendance area, or grade or age level selected for such concentration shall, after consultation with the appropriate private school officials, be assured equitable participation in the purposes and benefits of such programs or projects.

[(c) Funds.—(1) The control of funds provided under this chapter, and title to materials, equipment, and property repaired, remodeled, or constructed therewith, shall be in a public agency for the uses and purposes provided in this chapter, and a public agency shall administer such funds and property.

[(2) The provision of services pursuant to this section shall be provided by employees of a public agency or through contract by such public agency with a person, an association, agency, or corporation who or which, in the provision of such services, is independent of such private school and of any religious organizations, and such employment or contract shall be under the control and supervision of such public agency, and the funds provided under this chapter shall not be commingled with State or local funds.

[(d) State Prohibition Waiver.—If by reason of any provision of law a State or local educational agency is prohibited from providing for the participation in programs of children enrolled in private elementary and secondary schools, as required by this section, the Secretary shall waive such requirements and shall arrange for the provision of services to such children through arrangements which shall be subjected to the requirements of this section.

[(e) Waiver and Provision of Services.—(1) If the Secretary determines that a State or a local educational agency has substantially failed or is unwilling to provide for the participation on an equitable basis of children enrolled in private elementary and secondary schools as required by this section, the Secretary may waive such requirements and shall arrange for the provision of services to such children through arrangements which shall be subject to the requirements of this section.

[(2) Pending final resolution of any investigation or complaint that could result in a determination under this subsection or subsection (d), the Secretary may withhold from the allocation of the affected State or local educational agency the amount estimated by the Secretary to be necessary to pay the cost of those services.

[(f) DETERMINATION.—Any determination by the Secretary under this section shall continue in effect until the Secretary determines that there will no longer be any failure or inability on the part of the State or local educational agency to meet the requirements of subsections (a) and (b).

[(g) PAYMENT FROM STATE ALLOTMENT.—When the Secretary arranges for services pursuant to this section, the Secretary shall, after consultation with the appropriate public and private school officials, pay the cost of such services, including the administrative costs of arranging for those services, from the appropriate allotment of the State under this chapter.

[(h) REVIEW.—(1) The Secretary shall not take any final action under this section until the State educational agency and the local educational agency affected by such action have had an opportunity, for at least 45 days after receiving written notice thereof, to submit written objections and to appear before the Secretary or the Secretary's designee to show cause why that action should not be taken.

[(2) If a State or local educational agency is dissatisfied with the Secretary's final action after a proceeding under paragraph (1) of this subsection, it may, within 60 days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceedings on which the Secretary based this action, as provided in section 2112 of title 28, United States Code.

[(3) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence and the Secretary may thereupon make new or modified findings of fact and may modify the Secretary's previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

[(4) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

[(i) PRIOR DETERMINATION.—Any bypass determination by the Secretary under chapter 2 of the Education Consolidation and Improvement Act of 1981 shall to the extent consistent with the purposes of this chapter apply to programs under this chapter.

[SEC. 1573. EVALUATIONS AND REPORTING.

[(a) LOCAL EDUCATIONAL AGENCIES.—A local educational agency which receives financial assistance under this chapter shall report annually to the State educational agency on the use of funds under section 1531. Such reporting shall be carried out in a manner which minimizes the amount of paperwork required while providing the State educational agency with the necessary information under the preceding sentence. Such report shall be made available to the public.

[(b) STATE EDUCATIONAL AGENCIES.—A State educational agency which receives financial assistance under this chapter shall evaluate the effectiveness of State and local programs under this chapter in accordance with section 1522(a)(6)(B). That evaluation shall be submitted for review and comment by the State advisory committee and shall be made available to the public. The State educational agency shall submit to the Secretary a copy of the evaluation and a summary of the reports under subsection (a).

[(c) REPORTS.—(1) The Secretary, in consultation with State and local educational agency representatives, shall develop a model system which State educational agencies may use for data collection and reporting under this chapter.

[(2)(A) The Secretary shall submit annually a report to the Congress for the use of funds, the types of services furnished, and the students served under this chapter.

[(B) The Secretary shall not later than October 1, 1992, submit a report to the Congress summarizing evaluations under subsection (b) in order to provide a national overview of the uses of funds and effectiveness of programs under this chapter.

[SEC. 1574. FEDERAL ADMINISTRATION.

[(a) TECHNICAL ASSISTANCE.—The Secretary, upon request, shall provide technical assistance to State and local educational agencies under this chapter, particularly with respect to implementation of the programs and activities under subpart 4.

[(b) RULEMAKING.—The Secretary shall issue regulations under this chapter only to the extent that such regulations are necessary to ensure that there is compliance with the specific requirements and assurances required by this chapter.

[(c) AVAILABILITY OF APPROPRIATIONS.—Notwithstanding any other provision of law, unless expressly in limitation of this subsection, funds appropriated in any fiscal year to carry out activities under this chapter shall become available for obligation on Judy 1 of such fiscal year and shall remain available for obligation until the end of the subsequent fiscal year.

[(d) SPECIAL RULE.—The provisions of sections 1433 and 1434 shall apply to the programs authorized by this chapter.

[SEC. 1575. APPLICATION OF GENERAL EDUCATION PROVISIONS ACT.

[(a) GENERAL RULE.—Except as otherwise specifically provided by this section, the General Education Provisions Act shall apply to the programs authorized by this chapter.

[(b) APPLICABILITY.—The following provisions of the General Education Provisions Act shall be superseded by the specified provisions of this chapter with respect to the programs authorized by this chapter:

[(1) Section 408(a)(1) of the General Education Provisions Act is superseded by section 1574(b) of this chapter.

[(2) Section 426(a) of such Act is superseded by section 1574(a) of this chapter.

[(3) Section 427 of such Act is superseded by section 1534(a)(5) of this chapter.

[(4) Section 430 of such Act is superseded by sections 1522 and 1533 of this chapter.

[(c) SPECIAL RULE.—Sections 434, 435, and 436 of the General Education Provisions Act, except to the extent that such sections relate to fiscal control and fund accounting procedures, may not apply to the programs authorized by this chapter and shall not be construed to authorize the Secretary to require any reports or take any actions not specifically authorized by this chapter.

[SEC. 1576. TRANSITION PROVISIONS.

[(a) REGULATIONS.—All orders, determinations, rules, regulations, permits, grants, and contracts, which have been issued under chapter 2 and 3 of the Education Consolidation and Improvement Act of 1981 (as in effect on the date before the effective date of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988), or which are issued under such Act on or before the effective date of this Act shall continue in effect until modified or revoked by the Secretary, by a court of competent jurisdiction, or by operation of law other than this Act.

[(b) EFFECT ON PENDING PROCEEDINGS.—The provisions of this chapter shall not affect administrative or judicial proceedings pending on the effective date of this Act under chapters 2 and 3 of the Education Consolidation and Improvement Act of 1981.

[(c) TRANSITION.—With respect to the period beginning July 1, 1988, and ending June 30, 1989, no recipient of funds under this Act or chapter 2 of the Education Consolidation and Improvement Act of 1981 shall be held to have expended such funds in violation of the requirements of this Act or of such Act if such funds are expended in accordance with this Act or such Act.

[TITLE II—CRITICAL SKILLS IMPROVEMENT

[PART A—DWIGHT D. EISENHOWER MATHEMATICS AND SCIENCE EDUCATION ACT

[SEC. 2001. SHORT TITLE.

[This part may be cited as the "Dwight D. Eisenhower Mathematics and Science Education Act".

[SEC. 2002. STATEMENT OF PURPOSE.

[The purpose of this part is to strengthen the economic competitiveness and national security of the United States by improving the skills of teachers and the quality of instruction in mathematics and science in the Nation's public and private elementary and secondary schools through assistance to State educational agencies, local educational agencies, and institutions of higher education.

[Subpart 1—State Grants and National Programs

[SEC. 2003. PROGRAM AUTHORIZED.

[(a) GRANTS.—The Secretary is authorized to make grants to States and discretionary grants in accordance with the provisions of this subpart for strengthening the skills of teachers and improving instruction in mathematics and science.

[(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the purposes of this part, $250,000,000 for fiscal year 1989 and such sums as may be necessary for each of the 4 succeeding fiscal years.

[SEC. 2004. ALLOCATION OF FUNDS.

[(a) IN GENERAL.—(1) From the amount appropriated under section 2003(b) for any fiscal year, the Secretary shall reserve—

[(A) not more than ½ of 1 percent for allocation among Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands according to their respective needs for assistance under this subpart;

[(B) ½ of 1 percent for programs for Indian students served by schools funded by the Secretary of the Interior consistent with the purposes of this subpart; and

[(C) 4 percent for section 2012.

[(2) The remainder of the amount so appropriated (after meeting the requirements of paragraph (1)) shall be allocated among the States (treating the District of Columbia and Puerto Rico as States) as follows—

[(A) ½ of such remainder shall be allocated among the States by allocating to each State an amount which bears the same ratio to such ½ of such remainder as the number of children aged 5 to 17, inclusive, in the State bears to the number of such children in all States; and

[(B) ½ of such remainder shall be allocated among the States according to each State's share of allocation under chapter 1 of the Education Consolidation and Improvement Act of 1981 or part A of chapter 1 of title I of this Act, whichever program was effective for the previous fiscal year.

except that no State shall receive less than ½ of 1 percent of the amount available under this subsection in any fiscal year or less than the amount allotted to such State for fiscal year 1988 under title II of the Education for Economic Security Act.

[(3) For the purposes of this subsection, the term "State" does not include Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, or the Trust Territory of the Pacific Islands.

[(4) The number of children aged 5 to 17, inclusive, in the State and in all States shall be determined by the Secretary on the basis of the most recent satisfactory data available to the Secretary.

[(5) The Secretary shall make payments under paragraph (1)(B) on whatever terms the Secretary determines will best carry out the purposes of this subpart.

[(b) REALLOTMENT OF UNUSED FUNDS.—The amount of any State's allotment under subsection (a) for any fiscal year to carry out this subpart which the Secretary determines will not be required for that fiscal year to carry out this subpart shall be available for reallotment from time to time, on such dates during that year as the Secretary may determine, to other States in proportion to the original allotments to those States under subsection (a) for that year but with such proportionate amount for any of those other States being reduced to the extent it exceeds the sum the Secretary estimates that State needs and will be able to use for that year; and the total of those reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amounts reallotted to a State under this subsection during a year shall be deemed a subpart of its allotment under subsection (a) for that year.

[SEC. 2005. IN-STATE APPORTIONMENT.

[(a) ELEMENTARY AND SECONDARY EDUCATION PROGRAMS.—(1) For each fiscal year, an amount equal to 75 percent of each State's allotment under section 2004 shall be used for elementary and secondary education programs in accordance with section 2006, for demonstration and exemplary programs under section 2006(c) and for tend local and other Federal resources, especially with respect to any programs available from the National Science Foundation, or the Department of Energy, or both;

[(4) if applicable, describe how the programs will use other resources of the community and involve public agencies, private industry, institutions of higher education, public and private nonprofit organizations (including, museums, libraries, educational television stations, professional science, mathematics, and engineering associations), and other appropriate institutions;

[(5) assure that programs will take into account the need for greater access to and participation in mathematics and science programs by students from historically underrepresented groups, including females, minorities, individuals with limited-English proficiency, the economically disadvantaged, and the handicapped; and

[(6) assure that the programs will be assessed, that progress made will be reported in terms of numbers of teachers and students affected, and that the results will be submitted to the State educational agency in the time and manner required.

[(c) RENEWAL OF PAYMENTS.—The State educational agency shall renew payments to local educational agencies under this section based upon a determination by the State educational agency that the local educational agency is making adequate progress toward the goals of this subpart. The State educational agency will not disapprove an application without notice and opportunity for a hearing.

[SEC. 2010. PARTICIPATION OF CHILDREN AND TEACHERS FROM PRIVATE SCHOOLS.

[(a) PARTICIPATION OF PRIVATE SCHOOL STUDENTS.—To the extent consistent with the number of children in the State or in the school district of each local educational agency who are enrolled in private nonprofit elementary and secondary schools, such State or agency shall, after consultation with appropriate private school representatives, make provision for including services and arrangements for the benefit of such children as will assure the equitable participation of such children in the purposes and benefits of this subpart a consortium with at least 1 other local educational agency or institution of higher education receiving assistance under this section.

[(2) WAIVER.—The State educational agency shall waive the application of paragraph (1) in the case of any local educational agency that demonstrates that the amount of its allocation is sufficient to provide a program of sufficient size, scope, and quality to be effective. In granting waivers under the preceding sentence, the State educational agency shall—

[(A) give special consideration to local educational agencies serving rural areas; and

[(B) consider cash or in-kind contributions provided from State or local sources that may be combined with the local educational agency's allocation for the purpose of providing services under this part.

[SEC. 2006. ELEMENTARY AND SECONDARY EDUCATION PROGRAMS.

[(a) IN GENERAL.—The amount apportioned under section 2005(a)(2) from each State's allotment under this subpart shall be used by the State educational agency to strengthen elementary and secondary education programs in accordance with the provisions of this section.

[(b) LOCAL EDUCATIONAL AGENCIES.—(1) Each local educational agency shall use funds distributed under this subpart for—

[(A) the expansion and improvement of preservice training, inservice training, and retraining of teachers and other appropriate school personnel in the fields of mathematics and science, including vocational education teachers who use mathematics and science in the courses of study they teach;

[(B) recruitment or retraining of minority teachers to become mathematics and science teachers;

[(C) training in and instructional use of computers, video, and other telecommunications technologies as part of a mathematics and science program (which may include the purchase of computers or other telecommunications equipment in schools with an enrollment of 50 percent or more of students from low-income families after all other training needs have been met);

[(D) integrating higher order analytical and problem-solving skills into the mathematics and science curriculum; or

[(E) providing funds for grants projects for individual teachers within the local educational agency to undertake projects to improve their teaching ability or to improve the instructional materials used in their classrooms in mathematics and science.

[(2) Such training and instruction may be carried out through agreements with public agencies, private industry, institutions of higher education, and nonprofit organizations, including museums, libraries, educational television stations, professional science, mathematics and engineering associations, and other appropriate institutions. Agreements for funds available under section 2004(a)(1)(B) may be made with institutions of higher education receiving funds under the Tribally Controlled Community College Assistance Act of 1978. A local educational agency may carry out the activities authorized by this paragraph with one of more other local educational agencies within the State, or with the State educational agency, or both. Each local educational agency shall assure that programs of training, inservice training and retraining will take into account the need for greater access to and participation in mathematics and science programs and careers of students from historically underrepresented groups, including females, minorities, individuals with limited-English proficiency, the handicapped, migrants, and, especially, gifted and talented children from within such groups.

[(3) A local educational agency for any fiscal year may apply for funds as part of a consortium with other local educational agencies, institutions of higher education, or an intermediate educational unit for the conduct of local programs. The State educational agency may assist in the formation of consortia between local educational agencies, institutions of higher education, or intermediate educational units to provide services for the teachers and students in such local educational agency at the request of such local educational agency.

[(4) Not more than 5 percent of funds available to the local educational agency for the purpose of this section for any fiscal year may be used for local administration.

[(c) DEMONSTRATION AND EXEMPLARY PROGRAMS.—Not less than 5 percent of the amount available under this section shall be used by the State educational agency for—

[(1) demonstration and exemplary programs for teacher training and retraining and inservice upgrading of teacher skills in the fields of mathematics and science;

[(2) demonstration and exemplary programs for instructional equipment and materials in such fields and necessary technical assistance;

[(3) demonstration and exemplary programs for special projects for historically underrepresented and underserved populations and for gifted and talented students; or

[(4) the dissemination of information to all local educational agencies within the State relating to the exemplary programs in the fields of mathematics and science.

In providing financial assistance for such demonstration and exemplary programs, the State educational agency shall give special consideration to special projects in mathematics and science to historically underrepresented and underserved populations of students, including females, minorities, handicapped individuals, individuals with limited-English proficiency, and migrant students, and to programs for gifted and talented students. The programs for gifted and talented students may include assistance to magnet schools for such students.

[(d) PRIORITY FOR TEACHER TRAINING.—

[(1) GENERAL RULE.—Excet as provided in paragraph (2), in any fiscal year beginning after September 30, 1990 for which a local educational agency receives under this section an amount that is larger than the amount such agency received under this section for the fiscal year 1990, the excess of such amount over the amount received under this section for the fiscal year 1990 shall first be used to provide training for mathematics teachers and science teachers in elementary and middle schools.

[(2) WAIVER.—The Secretary may waive the application of paragraph (1) in the case of any local educational agency that demonstrates to the Secretary that mathematics teachers and science teachers in the elementary and middle schools under the jurisdiction of such local educational agency will receive adequate training without using such excess amounts for such training.

[(e) TECHNICAL ASSISTANCE AND ADMINISTRATIVE COSTS.—Not more than 5 percent of the amount available under this section, or $20,000, whichever is greater, may be used by the State educational agency—

[(1) to provide technical assistance to local educational agencies, institutions of higher education, and nonprofit organizations, including museums, libraries, and educational television stations, in the conduct of programs specified in subsection (b); and

[(2) for the costs of administration and assessment of programs assisted under this part.

[SEC. 2007. HIGHER EDUCATION PROGRAMS.

[(a) IN GENERAL.—(1) Except as provided in paragraph (2), the amount apportioned under section 2005(b) from each State's allotment under this subpart shall be used by the State agency for higher education for education programs in accordance with the provisions of this section.

[(2) Funds available under section 2004(a)(1)(B) and reserved under section 2005(b) shall be used, in accordance with the provisions of this section, to support programs conducted within institutions of higher education funded through the Bureau of Indian Affairs.

[(b) GRANTS TO INSTITUTIONS OF HIGHER EDUCATION.—(1)(A) Not less than 95 percent or the remainder after application of subsection (d) of the amount available for this section shall be used by the State agency for higher education for grants to institutions of higher education in accordance with the provisions of this subsection.

[(B) The State agency for higher education shall make funds available on a competitive basis to institutions of higher education in the State which apply for payments under this section and which demonstrate involvement of local educational agencies. The State agency for higher education shall make every effort to ensure equitable participation of private and public institutions of higher education.

[(2) The amount available under this subsection shall be used for—

[(A) establishing traineeship programs for new teachers who will specialize in teaching mathematics and science at the secondary school level;

[(B) retraining of secondary school teachers who specialize in disciplines other than the teaching of mathematics or science to specialize in the teaching of mathematics or science, including the provision of stipends for participation in institutes authorized under title I of the Education for Economic Security

Act or any other program of the National Science Foundation; and

[(C) inservice training for elementary, secondary, and vocational school teachers and training for other appropriate school personnel to improve their teaching skills in the fields of mathematics and science, including stipends for participation in institutes authorized under title I of the Education for Economic Security Act, or other program of the National Science Foundation.

Each institution of higher education receiving a grant under this subsection shall assure that programs of training, retraining, and inservice training will take into account the need for greater access to and participation in mathematics and science and careers by students from historically underrepresented and undeserved groups, including females, minorities, individuals with limited-English proficiency, the handicapped, migrants, and the gifted and talented, and will ensure cooperative agreements or cooperative arrangements with local educational agencies.

[(3) No institution of higher education may receive assistance under paragraphs (2)(B) and (2)(C) of this subsection unless the institution enters into an agreement with a local educational agency, or consortium of such agencies, to provide inservice training and retraining for the elementary and secondary school teachers in the public and private schools of the school district of each such agency.

[(c) COOPERATIVE PROGRAMS.—The State agency for higher education may use funds described in subsection (b)(1)(A) for cooperative programs among institutions of higher education, local educational agencies, State educational agencies, private industry, and nonprofit organizations, including museums, libraries, educational television stations, and professional mathematics, science, and engineering societies and associations for the development and dissemination of projects designed to improve student understanding and performance in science and mathematics.

[(d) ASSESSMENT AND ADMINISTRATIVE COSTS.—Not to exceed 5 percent of the amount available under this section, or $20,000, whichever is greater, may be used by the State agency for higher education for—

[(1) the State assessment required by section 2008(c); and

[(2) the costs incurred by such agency for administration and evaluation of programs assisted under this subpart.

[SEC. 2008. STATE APPLICATION.

[(a) APPLICATION.—Each State which desires to receive a grant under this subpart shall file an application with the Secretary which covers a period of 3 fiscal years. Such application shall be filed at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

[(b) CONTENTS OF APPLICATION.—Each such application shall—

[(1) designate the State educational agency for the purpose of programs described in section 2006, and the State agency for higher education for the purpose of programs described in section 2007 as the agency or agencies responsible for the administration and supervision of the programs described in section 2006 and 2007, as the case may be;

[(2) provide assurances that—

[(A) payments will be distributed by the State in accordance with the provisions of this title;

[(B) for programs described in section 2006, the provisions of section 2010 will be carried out;

[(C) the State will provide such fiscal control and funds accounting as the Secretary may require;

[(D) funds provided under this part will supplement, not supplant, State and local funds made available for activities authorized under this subpart;

[(E) during the 3-year period of the plan, the State will evaluate its standards for teacher preparation, licensing, certification, and endorsement for elementary and secondary mathematics and science;

[(F) the State will take into account the needs for greater access to and participation in mathematics and science by students and teachers from historically underrepresented groups including females, minorities, individuals with limited-English proficiency, the economically disadvantaged, and the handicapped.

[(G) that the needs of teachers and students in areas with high concentrations of low-income students and sparsely populated areas will be considered in the distribution of funds reserved for State use; and

[(H) that the programs conducted with State funds will be assessed annually (including statistics on the number of students and teachers involved in these programs) and that the data from such assessments, as well as a summary of the local assessments required under section 2009(b)(6), will be submitted to the Secretary.

[(3) if appropriate, provide a description of how funds paid under this subpart will be coordinated with State and local funds and other Federal resources, particularly with respect to any program available from the National Science Foundation or the Department of Energy, or both; and

[(4) describe procedures—

[(A) for submitting applications for programs described in sections 2006 and 2007 for distribution of payments under this subpart within the State, and

[(B) for approval of applications by the appropriate State agency, including appropriate procedures to assure that such agency will not disapprove an application without notice and opportunity for a hearing.

[(c) INFORMATIONAL, REQUIREMENT.—Each State application shall also contain the following:

[(1) A projection of the supply and demand for teachers within the State in all the mathematics and science subject areas at the elementary and secondary levels, including a consideration of the impact of changing State graduation requirements and other State reforms upon such supply.

[(2) An assessment of the current elementary and secondary curriculum needs within the State in mathematics and science.

[(d) DESCRIPTION OF ASSISTED ACTIVITIES.—Each application shall also contain the following descriptions:

[(1) How the programs under this Act will meet the teacher training and curriculum needs projected under subsections (c)(1) and (c)(2).

[(2) The specific activities that will be undertaken that involve institutions of higher education.

[(3) The specific activities that will be supported with funds reserved for State use and how those activities relate to the State's needs in mathematics and science.

[(4) The specific activities the State will support to improve access of historically underrepresented groups in mathematics and science education.

[(e) APPROVAL.—The Secretary shall expeditiously approve any State application that meets the requirements of this section.

[SEC. 2009. LOCAL APPLICATION.

[(a) APPLICATION.—A local educational agency that desires to receive a grant under this subpart shall submit an application which covers a 3-year period (singly or in conjunction with other local educational agencies, institutions of higher education, or an intermediate educational unit).

[(b) CONTENTS OF APPLICATION.—A local educational agency application shall—

[(1) provide a summary assessment of—

[(A) the needs of its current teachers in mathematics and science and whether a shortage of such qualified teachers exists or will exist within 5 years after the date of the application;

[(B) the current levels of mathematics and science student achievement in the local educational agency; and

[(C) the curricular needs of the local educational agency in mathematics and science;

[(2) describe how the local educational agency plans to use funds received under this subpart to meet the needs described in paragraph (1)(A);

[(3) if applicable, describe how funds under this subpart will be coordinated with State and local and other Federal resources, especially with respect to any programs available from the National Science Foundation, or the Department of Energy, or both;

[(4) if applicable, describe how the programs will use other resources of the community and involve public agencies, private industry, institutions of higher education, public and private nonprofit organizations (including, museums, libraries, educational television stations, professional science, mathematics, and engineering associations), and other appropriate institutions;

[(5) assure that programs will take into account the need for greater access to and participation in mathematics and science programs by students from historically underrepresented groups, including females, minorities, individuals with limited-English proficiency, the economically disadvantaged, and the handicapped; and

[(6) assure that the programs will be assessed, that progress made will be reported in terms of numbers of teachers and students affected, and that the results will be submitted to the State educational agency in the time and manner required.

[(c) RENEWAL OF PAYMENTS.—The State educational agency shall renew payments to local educational agencies under this section based upon a determination by the State educational agency that the local educational agency is making adequate progress toward the goals of this subpart. The State educational agency will not disapprove an application without notice and opportunity for a hearing.

[SEC. 2010. PARTICIPATION OF CHILDREN AND TEACHERS FROM PRIVATE SCHOOLS.

[(a) PARTICIPATION OF PRIVATE SCHOOL STUDENTS.—To the extent consistent with the number of children in the State or in the school district of each local educational agency who are enrolled in private nonprofit elementary and secondary schools, such State or agency shall, after consultation with appropriate private school representatives, make provision for including services and arrangements for the benefit of such children as will assure the equitable participation of such children in the purposes and benefits of this subpart.

[(b) PARTICIPATION OF PRIVATE SCHOOL TEACHERS.—To the extent consistent with the number of children in the State or in the school district of a local educational agency who are enrolled in private nonprofit elementary and secondary schools, such State, or agency or institution of higher education shall, after consultation with appropriate private school representatives, make provision, for the benefit of such teachers in such schools, for such inservice and teacher training and retaining as will assure equitable participation of such teachers in the purposes and benefits of this subpart.

[(c) WAIVER.—If by reason of any provision of law a State or local educational agency or institution of higher education is prohibited from providing for the participation of children or teachers from private nonprofit schools as required by subsections (a) and (b), or if the Secretary determines that a State or local educational agency has substantially failed or is unwilling to provide for such participation on an equitable basis, the Secretary shall waive such requirements and shall arrange for the provision of services to such children or teachers, subject to the requirements of this section. Such waivers shall be subject to consultation, withholding, notice, and judicial review requirements in accordance with section 1017 of this Act.

[SEC. 2011. FEDERAL ADMINISTRATION

[(a) TECHNICAL ASSISTANCE AND EVALUATION PROCEDURES.—The Secretary shall provide technical assistance and, in consultation with State and local representatives, shall develop procedures for State and local evaluations of the programs under this subpart.

[(b) SUMMARY.—The Secretary shall submit to the Congress every 2 years a summary of the State evaluations of programs under this subpart.

[(c) MODEL REPORTING STANDARDS.—In conjunction with State and local educational agencies and organizations of mathematics and science educators, the Secretary shall develop model reporting standards to encourage comparability of data required under sections 2008 and 2009.

[SEC. 2012. NATIONAL PROGRAMS

[(a) AMOUNT AVAILABLE.—From 4 percent of amounts appropriated under section 2003(b), the Secretary shall make grants or enter into cooperative agreements in accordance with this section.

[(b) ELIGIBLE GRANTEES.—The Secretary shall make grants to and enter into cooperative agreements with State and local educational agencies, institutions of higher education, and public and private nonprofit organizations (including museums, libraries, educational television producers, distributors, and stations, and professional science, mathematics, and engineering societies and associations) for programs of national significance in mathematics and science instruction. The Secretary shall give special consideration in providing such assistance to local educational agencies (or consortia thereof), institutions of higher education, and public and private nonprofit organizations, providing special services to historically underserved and underrepresented populations (and especially gifted and talented children from within such populations) in the field of mathematics and science.

[(c) PROGRAMS FOR TRAINING AND RETRAINING TEACHERS.—In awarding grants and cooperative agreements, the Secretary shall also give special consideration to programs of such institutions and organizations (such as museums) which train and retrain teachers in methods of scientific inquiry and provide materials which aid the education of students. In awarding grants and cooperative agreements, the Secretary shall give preference to developed and currently operating programs which are disseminated throughout the region in which such an institution or organization is located.

[(d) NATIONAL CLEARINGHOUSE FOR SCIENCE, MATHEMATICS, AND TECHNOLOGY EDUCATION MATERIALS.—

[(1) CLEARINGHOUSE AUTHORIZED.—The Secretary, in consultation with the Director, may award a grant or contract to establish a National Clearinghouse for Mathematics and Science education (hereinafter in this subsection referred to as the "Clearinghouse").

[(2) APPLICATION AND AWARD BASIS.—Each entity desiring to establish and operate the Clearinghouse authorized by this subsection shall submit an application to the Secretary at such time, in such manner and accompanied by such information as the Secretary may reasonably require. The grant or contract awarded pursuant to paragraph (1) shall be made on a competitive, merit basis.

[(3) DURATION.—The grant or contract awarded under this section shall be awarded for a period of 5 years and shall be reviewed by the Secretary no later than 30 months from the date the grant or contract is awarded.

[(4) USE OF FUNDS.—The grant awarded under this subsection shall be used to—

[(A) maintain a permanent repository of mathematics and science education instructional materials and programs for elementary and secondary schools, including middle schools, (including, to the extent practicable, all materials and programs developed with Federal and non-

Federal funds, such as instructional materials developed by the Department of Education, materials developed by State and national mathematics and science programs assisted under this part, and other instructional materials) for use by the regional consortiums established under subpart 2 of this part and by the general public;

[(B) compile information on all mathematics and science education programs administered by each Federal agency or department;

[(C) disseminate information, programs, and instructional materials to the public, dissemination networks, and the regional consortiums under subpart 2 of this part; and

[(D) coordinate with identifiable and existing data bases containing mathematics and science curriculum and instructional materials, including Federal and non-Federal data bases.

[(5) Submission to clearinghouse.—Each Federal agency or department which develops mathematics or science education instructional material or programs, including the National Science Foundation, and the Department of Education, shall submit to the Clearinghouse copies of such material or programs.

[(6) Peer review.—The Secretary shall establish a peer review process to select the recipient of the award under this subsection.

[(7) Steering committee.—The Secretary may appoint a steering committee to recommend policies and activities for the Clearinghouse.

[(8) Applicaton of copyright laws.—Nothing in this subsection shall be construed to allow the use or copying, in any media, of any material collected by the Clearinghouse that is protected under the copyright laws of the United States unless the permission of the owner of the copyright is obtained. The Clearinghouse, in carrying out the provisions of this subsection, shall ensure compliance with the provisions of title 17 of the United States Code.

[(e) Model Programs for Instruction and Training in the Use of Computers.—

[(1) Grants authorized.—The Secretary may make grants to model programs for training and instruction in the use of computers as part of the mathematics and science curriculum of elementary and secondary schools to pay the Federal share of the cost of improving and expanding such programs.

[(2) Federal share.—(A) Except as provided in subparagraph (C), the Federal share of the cost of improving and expanding a model program under this subsection shall not exceed 50 percent of such cost.

[(B) Not less than 25 percent of the non-Federal share of the cost of improving and expanding a model program under this subsection shall be in cash.

[(C) The Secretary may waive the application of this paragraph in the case of any model program operated by a school that demonstrates an inability to obtain funds from non-Federal sources for the program.

[(3) PRIORITY.—In awarding grants under this subsection, the Secretary shall give priority to applicants that demonstrate the ability to—

[(A) develop a program that can be applied nationally;

[(B) include a shared commitment from a combination of local parties, such as teachers, the business community, and local educational agencies;

[(C) provide teacher training programs in elementary and secondary schools, including middle schools, that are designed to improve the quality of mathematics and science instruction through the use of computers as an instructional tool;

[(D) integrate higher order analytical and problem-solving skills into mathematics and science curricula; and

[(E) provide interactive and manipulative application as part of the instructional delivery system.

[(f) DISSEMINATION OF INFORMATION.—The Secretary shall disseminate information concerning grants and cooperative agreements under this section to State and local educational agencies and institutions of higher education. Such dissemination of information shall include examples of exemplary national programs in mathematics and science instruction and necessary technical assistance for the establishment of similar programs.

[Subpart 2—Regional Mathematics and Science Education Consortiums

[SEC. 2016. PROGRAM ESTABLISHED.

[(a) IN GENERAL.—

[(1) GRANTS AUTHORIZED.—The Secretary, in consultation with the Director, is authorized to award grants or contracts to eligible entities to establish and operate regional mathematics and science education consortia for the purpose of—

[(A) disseminating exemplary mathematics and science education instructional materials; and

[(B) providing technical assistance for the implementation of teaching methods and assessment tools for use by elementary and secondary school students, teachers and administrators.

[(2) NUMBER.—The Secretary shall, in accordance with the provisions of this section, award at least 1 grant or contract to an eligible entity in each region.

[(3) SPECIAL RULE.—In any fiscal year, if the amount appropriated pursuant to the authority of section 2023 is less than $4,500,000, then the Secretary may waive the provisions of paragraph (2) and award grants or contracts of sufficient size, scope and quality to carry out the provisions of this section.

[(b) GRANT TERM AND REVIEW.—Grants under this subpart shall be awarded for a period of not more than 5 years and shall be reviewed before the end of the 30-month period beginning on the date the grant is awarded. Grants shall be awarded before the end of the 12-month period beginning on the date of the enactment of an Act making appropriations to carry out the provisions of this subpart.

[(c) AMOUNT.—In making grants under this subpart, the Secretary shall assure that there is a relatively equal distribution of the funds made available among the regions, but the Secretary may award additional funds to a regional consortium on the basis of population and geographical conditions of the region being served.

[SEC. 2017. USE OF FUNDS.

[Funds provided under this subpart may be used by a regional consortium, under the direction of a regional board established pursuant to section 2019, to—

[(1) identify, adapt, disseminate, and implement mathematics and science education instruction materials, teaching methods, and assessment tools for use by elementary and secondary school students;

[(2) assist, train and provide technical assistance to classroom teachers, administrators, and other educators to identify, implement or adapt the instructional materials, teaching methods and assessment tools described in paragraph (1);

[(3) provide for the training of classroom teachers to enable such teachers to instruct other teachers, administrators, and educators in the use of the instructional materials, teaching methods and assessment tools described in paragraph (1) in the classroom;

[(4) work with classroom teachers in the identification and adaptation of such instructional materials, teaching methods, and assessment tools for use in classrooms within the region;

[(5) assist classroom teachers, where appropriate, in securing training to enhance such teachers' subject knowledge and teaching skills in the areas of science and mathematics education;

[(6) when necessary, provide financial assistance to enable teachers and other educators to attend and participate in the activities of the regional consortium;

[(7) implement programs and activities designed to meet the needs of groups that are underrepresented in, and underserved by, mathematics and science education;

[(8) help State and local educational agencies or consortia thereof assess the need for and the desirability of regional mathematics and science academies;

[(9) develop and disseminate early childhood education mathematics and science instructional materials;

[(10) develop intergenerational projects to train senior citizen volunteers in the implementation of interactive science processes and activities for use by elementary and secondary school students;

[(11) disseminate information regarding informal mathematics and science education activities and programs offered by Federal agencies and private or public agencies and institutions within the region;

[(12) provide technical assistance in order to maximize the effectiveness of such instructional materials and programs and fulfill the instructional goals of the recipients of such materials and programs;

[(13) collect data on activities assisted under this subpart in order to evaluate the effectiveness of the activities of the regional consortiums;

[(14) if feasible, maintain on-line computer networks with all regional constortiums and the National Clearinghouse for Science and Mathematics Education Materials established under section 2012(e);

[(15) assist local and State educators in identifying science equipment needs; and

[(16) coordinate activities carried out by the regional consortium with activities carried out by the appropriate regional education laboratory supported under section 405(d)(4)(A)(i) of the General Education Provisions Act.

[SEC. 2018. APPLICATION AND REVIEW.

[(a) IN GENERAL.—Each eligible entity desiring to receive a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and accompanied by such additional information as the Secretary may reasonably require. Each such application shall—

[(1) demonstrate that the eligible entity has demonstrated expertise in the fields of mathematics and science education;

[(2) demonstrate that the eligible entity shall implement and disseminate mathematics and science education instructional materials, teaching methods, and assessment tools through a consortium of the region's mathematics and science education organizations and agencies;

[(3) demonstrate that the eligible entity shall carry out the functions of the regional consortium;

[(4) describe the activities for which assistance is sought;

[(5) demonstrate that the eligible entity shall implement and disseminate mathematics and science education instructional materials, teaching methods and assessment tools;

[(6) demonstrate that emphasis will be given to programs and activities designed to meet the needs of groups that are underrepresented in, and underserved by, mathematics and science education;

[(7) describe steps to be taken to provide for the equitable participation of children and teachers from private elementary and secondary schools consistent with section 2010;

[(8) demonstrate that the business community in the region served by the regional consortium will play an integral role in designing and supporting the regional consortium's work;

[(9) demonstrate that the eligible entity will consider the resources of existing Star Schools consortia established pursuant to the Star Schools Program Assistance Act in carrying out the provisions of this part, where appropriate; and

[(10) assure that the entity will conduct its activities and supervise its personnel in a manner that effectively ensures compliance with the copyright laws of the United States.

[(b) APPROVAL OF APPLICATION.—

[(1) IN GENERAL.—The Secretary shall approve or disapprove applications submitted pursuant to subsection (a) in accordance with the criteria and procedures established under paragraph (2).

[(2) PROCEDURES AND CRITERIA.—The Secretary shall develop procedures and criteria designed to ensure that grants are awarded on the basis of merit as determined by the competitive peer review process described in paragraph (3).

[(3) NATIONAL PANEL.—(A) The Secretary, in consultation with the Director, shall establish a national panel, or to the extent necessary, panels, to submit to the Secretary recommendations for awards of grants under this subpart. The Secretary shall appoint the members of such panel or panels.

[(B) Each panel appointed as required by subparagraph (A) shall include participation, to the extent feasible, from each region.

[SEC. 2019. REGIONAL BOARDS.

[(a) IN GENERAL.—Each eligible entity receiving a grant or contract under this subpart shall establish a regional board to oversee the administration and establishment of program priorities for the regional consortium established by such eligible entity. Such regional board shall be broadly representative of the agencies and organizations participating in the regional consortium.

[(b) PROHIBITION ON USE OF FEDERAL FUNDS.—No Federal funds may be used for the establishment or operation of a regional board required by subsection (a).

[SEC. 2020. PAYMENTS; FEDERAL SHARE; NON-FEDERAL SHARE.

[(a) PAYMENTS.—The Secretary shall pay to each eligible entity having an application approved under section 2018 the Federal share of the cost of the activities described in the application.

[(b) FEDERAL SHARE.—For purposes of subsection (a), the Federal share—

[(1) for the first and second years in which an eligible entity receives assistance shall be 80 percent;

[(2) for the third such year shall be 75 percent;

[(3) for the fourth such year shall be 65 percent; and

[(4) for the fifth and each such succeeding year shall be 50 percent.

[(c) NON-FEDERAL SHARE.—The non-Federal share of the cost of activities described in the application submitted pursuant to this section may be in cash or in kind, fairly evaluated.

[SEC. 2021. EVALUATION.

[(a) EVALUATION REQUIRED.—The Secretary, through the Office of Education Research and Improvement, shall collect sufficient data on, and evaluate the effectiveness of, the activities of each regional consortium.

[(b) ASSESSMENT.—The evaluations described in paragraph (1) shall include an assessment of the effectiveness of the regional consortium in meeting the needs of the schools, teachers, administrators and students in the region.

[(c) REPORT.—At the end of each grant or contract period, the Secretary shall submit to Congress a report on the effectiveness of the programs conducted at each regional consortium.

[SEC. 2022. DEFINITIONS.

[For purposes of this subpart:

[(1) The term "eligible entity" means—

[(A) a private nonprofit organization of demonstrated effectiveness;

[(B) an institution of higher education;

[(C) an elementary or secondary school;

[(D) a State or local educational agency;

[(E) a regional educational laboratory in consortium with the research and development center established under section 405(d)(4)(A) of the General Education Provisions Act; or

[(F) any combination of the entities described in subparagraphs (A) through (E);

with demonstrated expertise in mathematics and science education.

[(2) The term "region" means a region of the United States served by a regional education laboratory that is supported by the Secretary pursuant to section 405(d)(4)(A)(i) of the General Education Provisions Act.

[(3) The term "regional consortium" means each regional mathematics and science education consortium established pursuant to section 2016.

[SEC. 2023. AUTHORIZATION OF APPROPRIATIONS.

[There are authorized to be appropriated to carry out the provisions of this subpart $17,000,000 for the fiscal year 1991, and such sums as may be necessary for each of the fiscal years 1992 and 1993.

[PART C—GENERAL PROVISIONS

[SEC. 2031. DEFINITIONS.

[As used in this part:

[(1) The term "institution for higher education" has the meaning given that term in section 1201(a) of the Higher Education Act of 1965.

[(2) The term "State agency for higher education" means the State board of higher education or other agency or officer primarily responsible for the State supervision of higher education, or, if there is no such officer or agency, an officer or agency designated for the purpose of this title by the Governor or by State law.

[PART B—FOREIGN LANGUAGES ASSISTANCE

[SEC. 2101. SHORT TITLE.

[This part may be cited as the "Foreign Language Assistance Act of 1988".

[SEC. 2102. FINDINGS.

[The Congress finds that the economic and security interests of this Nation require significant improvement in the quantity and quality of foreign language instruction offered in the Nation's elementary and secondary schools, and Federal funds should be made available to assist the purpose of this part.

[SEC. 2103. PROGRAM AUTHORIZED.

[(a) General Authority.—The Secretary shall make grants to State educational agencies whose applications are approved under subsection (b) to pay the Federal share of the cost of model programs, designed and operated by local educational agencies, providing for the commencement or improvement and expansion of foreign language study for students.

[(b) APPLICATION.—Any State educational agency desiring to receive a grant under this part shall submit an application therefor to the Secretary at such time, in such form, and containing such information and assurances as the Secretary may require. No application may be approved by the Secretary unless the application—

[(1) contains a description of model programs which—

[(A) are designed by local educational agencies,

[(B) represent a variety of alternative and innovative approaches to foreign language instruction, and

[(C) are selected on a competitive basis by the State educational agency;

[(2) provides assurances that all children aged 5 through 17 who reside within the school district of the local educational agency shall be eligible to participate in any model program funded under this section (without regard to whether such children attend schools operated by such agency);

[(3) provides assurances that the State will pay the non-Federal share of the activities for which assistance is sought from non-Federal sources; and

[(4) provides that the local educational agency will provide standard evaluations of the proficiency of participants at appropriate intervals in the program which are reliable and valid, and provide such evaluations to the State educational agency.

[(c) FEDERAL SHARE.—(1) The Federal share for each fiscal year shall be 50 percent.

[(2) The Secretary may waive the requirement of paragraph (1) for any local educational agency which the Secretary determines does not have adequate resources to pay the non-Federal share of the cost of the project.

[(d) PARTICIPATION OF PRIVATE SCHOOLS.—(1) To the extent consistent with the number of children in the State or in the school district of each local educational agency who are enrolled in private elementary and secondary schools, such State or agency shall, after consultation with appropriate private school representatives, make provision for including special educational services and arrangements (such as dual enrollment, educational radio and television, and mobile educational services and equipment) in which such children can participate and which meet the requirements of this section. Expenditures for educational services and arrangements pursuant to this subsection for children in private schools shall be equal (taking into account the number of children to be served and the needs of such children) to expenditures for children enrolled in the public schools of the State or local educational agency.

[(2) If by reason of any provision of law a State or local educational agency is prohibited from providing for the participation of children from private schools as required by paragraph (1), or if the Secretary determines that a State or local educational agency has substantially failed or is unwilling to provide for such participation on an equitable basis, the Secretary shall waive such requirements and shall arrange for the provision of services to such children which shall be subject to the requirements of this subsection. Such waivers shall be subject to consultation, withholding, notice, and judicial review requirements in accordance with paragraphs (3) and (4) of section 1017(b) of this Act.

[SEC. 2104. ALLOTMENTS.

[(a) GENERAL RULE.—(1) From the sums appropriated to carry out this part in any fiscal year, the Secretary shall reserve 1 percent for payments to Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands, to be allotted in accordance with their respective needs.

[(2) From the remainder of such sums the Secretary shall allot to each State an amount which bears the same ratio to the amount of such remainder as the school age population of the State bears to the school age population of all States, except that no State shall receive less than an amount equal to one-half of 1 percent of such remainder.

[(b) AVAILABILITY OF FUNDS.—The allotment of a State under subsection (a) shall be made available to the State for 2 additional years after the first fiscal year during which the State receives its allotment under this section if the Secretary determines that the funds made available to the State during the first such year were used in the manner required under the State's approved application.

[SEC. 2105. DEFINITIONS.

[(a) GENERAL RULE.—For the purpose of this part:

[(1) The term "foreign language instruction" means instruction in critical foreign languages as defined by the Secretary.

[(2) The term "institution of higher education" has the meaning given that term in section 1201(a) of the Higher Education Act of 1965.

[(3) The term "State agency for higher education" means the State board of higher education or other agency or officer primarily responsible for the State supervision of higher education, or, if there is no such officer or agency, an officer or agency designated for the purpose of this title by the Governor or by State law.

[(b) SPECIAL RULE.—For the purpose of section 2104—

[(1) the term "school age population" means the population aged 5 through 17; and

[(2) the term "States" includes the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

[SEC. 2106. AUTHORIZATION OF APPROPRIATIONS.

[There are authorized to be appropriated $20,000,000 for the fiscal year 1989 and such sums as may be necessary for each of the fiscal years 1990, 1991, 1992, and 1993 to carry out this part.

[PART C—PRESIDENTIAL AWARDS FOR TEACHING EXCELLENCE IN FOREIGN LANGUAGES

[SEC. 2201. PRESIDENTIAL AWARDS.

[(a) General Authority.—The President is authorized to make Presidential Awards for Teaching Excellence in Foreign Languages to elementary and secondary school teachers of foreign languages who have demonstrated outstanding teaching ability in the field of teaching foreign languages.

[(b) Limitations.—Each year the President is authorized to make 108 awards under subsection (a). In selecting elementary and secondary school teachers for an award authorized by this section, the President shall select at least one elementary school teacher and one secondary school teacher—

[(1) from each of the several States;

[(2) from the District of Columbia;

[(3) from the Commonwealth of Puerto Rico;

[(4) from among the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, and other commonwealths, territories, and possessions of the United States; and

[(5) from the United States Department of Defense Dependents' School.

[SEC. 2202. ADMINISTRATIVE PROVISIONS.

[(a) In General.—There are authorized to be appropriated $1,000,000 for each fiscal year to carry out this part.

[(b) Availability.—Amounts appropriated pursuant to subsection (a) shall be available for making awards under this part, for administrative expenses, for necessary travel by teachers selected under this part, and for special activities related to carrying out this part.

[TITLE III—MAGNET SCHOOLS ASSISTANCE

[SEC. 3001. AUTHORIZATION OF APPROPRIATIONS; RESERVATION.

[(a) Authorization.—There are authorized to be appropriated $165,000,00 for the fiscal year 1989 and such sums as may be necessary for the fiscal years 1990 through 1993 to carry out the provisions of this title.

[(b) Availability of Funds for Grants to Agencies Not Previously Assisted.—(1) In any fiscal year in which the amount appropriated pursuant to section 3001 exceeds $75,000,000, the Secretary shall, with respect to such excess amount, give priority to grants to local educational agencies which—

[(A) meet the requirements of section 3002; and

[(B) have not received a grant under title VII of the Education for Economic Security Act, or under this title, in the last fiscal year of the funding cycle prior to the fiscal year for which the determination is made.

[(2) In awarding grants with the first $75,000,000, the Secretary shall not take into account, in whole or in title, whether a local educational agency has received an award in the prior funding cycle.

[SEC. 3002. ELIGIBILITY.

[A local educational agency is eligible to receive assistance under this title if the local educational agency—

[(1) is implementing a plan undertaken pursuant to a final order issued by a court of the United States, or a court of any State, or any other State agency or official of competent jurisdiction, and which requires the desegregation of minority group segregated children or faculty in the elementary and secondary schools of such agency; or

[(2) without having been required to do so, has adopted and is implementing, or will, if assistance is made available to it under this title, adopt and implement, a plan which has been approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 for the desegregation of minority group segregated children or faculty in such schools.

[SEC. 3003. STATEMENT OF PURPOSE.

[It is the purpose of this title to support, through financial assistance to eligible local educational agencies—

[(1) the elimination, reduction, or prevention of minority group isolation in elementary and secondary schools with substantial portions of minority students; and

[(2) courses of instruction within magnet schools that will substantially strengthen the knowledge of academic subjects and the grasp of tangible and marketable vocational skills of students attending such schools.

[SEC. 3004. PROGRAM AUTHORIZED.

[The Secretary is authorized, in accordance with the provisions of this part, to make grants to eligible local educational agencies for use in magnet schools which are part of an approved desegregation plan and which are designed to bring students from different social, economic, ethnic, and racial backgrounds together.

[SEC 3005. DEFINITION.

[For the purpose of this title, the term "magnet school" means a school or education center that offers a special curriculum capable of attracting substantial numbers of students of different racial backgrounds.

[SEC. 3006. USES OF FUNDS.

[Grants made under this title may be used by eligible local educational agencies for—

[(1) planning and promotional activities directly related to expansion, continuation, or enhancement of academic programs and services offered at magnet schools;

[(2) the acquisition of books, materials, and equipment, including computers and the maintenance and operation thereof, necessary for the conduct of programs in magnet schools; and

[(3) the payment of or subsidization of the compensation of elementary and secondary school teachers who are certified or licensed by the State and who are necessary for the conduct of programs in magnet schools;

where, with respect to clauses (2) and (3), such assistance is directly related to improving the knowledge of mathematics, science, history, English, foreign languages, art, or music, or to improving vocational skills.

[SEC. 3007. APPLICATIONS AND REQUIREMENTS.

[(a) APPLICATION.—Each eligible local educational agency which desires to receive assistance under this title shall submit an application to the Secretary. Each such application shall be in such form as the Secretary may reasonably require. Each such application shall contain assurances that the local educational agency will meet the conditions enumerated in subsection (b).

[(b) REQUIREMENTS CERTIFIED.—As part of the annual application required by subsection (a), each eligible local educational agency shall certify that the agency agrees—

[(1) to use funds made available under this title for the purposes specified in section 3003;

[(2) to employ teachers in the courses of instruction assisted under this title who are certified or licensed by the State to teach the subject matter of the courses of instruction;

[(3) to provide assurances that the local educational agency will not engage in discrimination based upon race, religion, color, national origin, sex, or handicap in the hiring, promotion, or assignment of employees of the agency or other personnel for whom the agency has any administrative responsibility;

[(4) to provide assurances that the local educational agency will not engage in discrimination based upon race, religion, color, national origin, sex, or handicap in the mandatory assignment of students to schools or to courses of instruction within schools of such agency except to carry out the approved plan;

[(5) to provide assurances that the local educational agency will not engage in discrimination based upon race, religion, color, national origin, sex, or handicap in designing or operating extracurricular activities for students;

[(6) to describe how assistance made available under this title will be used to promote desegregation;

[(7) to provide assurances that the agency will carry out a high quality education program that will encourage greater parental decisionmaking and involvement;

[(8) to provide a description of the manner in which the local educational agency will continue the magnet schools program after assistance under this title is no longer available; and

[(9) to provide such other assurances as the Secretary determines necessary to carry out the provisions of this title.

[(c) SPECIAL RULE.—No application may be approved under this section unless the Assistant Secretary of Education for Civil Rights determines that the assurances described in clauses (3), (4), and (5) of subsection (b) will be met.

[SEC. 3008. SPECIAL CONSIDERATION.

[(a) PRIORITY.—In approving applications under this title the Secretary shall give priority to—

[(1) the recentness of the implementation of the approved plan or modification thereof;

[(2) the proportion of minority group children involved in any approved plan;

[(3) the need for assistance based on the expense or difficulty of effectively carrying out an approved plan and the program or projects for which assistance is sought; and

[(4) the degree to which the program or project for which assistance is sought affords promise of achieving the purposes of this title.

[(b) SPECIAL CONSIDERATION.—In approving applications under this title, the Secretary shall give special consideration to the degree to which the program for which assistance is sought involves the collaborative efforts of institutions of higher education, community-based organizations, the appropriate State educational agency, or any other private organization.

[SEC. 3009. PROHIBITIONS.

[Grants under this title may not be used for consultants, for transportation, or for any activity which does not augment academic improvement.

[SEC. 3010. LIMITATION ON PAYMENTS.

[(a) LIMITATION ON DURATION AND PROGRESS.—No local educational agency may receive a grant under this title for more than one fiscal year unless the Secretary determines that the program for which assistance was provided in the first fiscal year is making satisfactory progress in achieving the purposes of this title.

[(b) LIMITATION ON PLANNING FUNDS.—No local educational agency may expend more than 10 percent of the amount that the agency receives in any fiscal year for planning.

[(c) SPECIAL RULE ON CHAPTER 2 FUNDS.—No State shall reduce the amount of State aid with respect to the provision of free public education or the amount of assistance received under chapter 2 of title I of this Act in any school district of any local educational agency within such State because of assistance made or to be made available to such agency under this title.

[SEC. 3011. PAYMENTS.

[(a) GENERAL RULE.—(1) The Secretary shall pay to each local educational agency having an application approved under this title the amount set forth in the application.

[(2) Notwithstanding section 412 of the General Education Provisions Act, not more than 15 percent of funds available for each fiscal year for the purposes of this title may remain available to local educational agencies for obligation and expenditure during the succeeding fiscal year pursuant to such section. The provisions of this subsection shall not apply if grants are not awarded in a timely manner.

[(3) The Secretary may not reduce any payment under this title for any fiscal year by any amount on the basis of the availability of funds pursuant to sections 412(b) and (c) of the General Education Provisions Act.

[(4) Payments under this title for a fiscal year shall remain available for obligation and expenditure by the recipient until the end of the succeeding fiscal year, except that no such agency shall receive more than $4,000,000 under this title in any one grant cycle.

[(b) AWARD REQUIREMENTS.—To the extent practicable, for any fiscal year, the Secretary shall award grants to local educational agencies under this title no later than June 30 of the applicable fiscal year.

[SEC. 3012. WITHHOLDING.

[The provisions of sections 453 and 454 of the General Education Provisions Act, relating to withholding and cease and desist orders, shall apply to the program authorized by this title.

[TITLE IV—SPECIAL PROGRAMS

[PART A—WOMEN'S EDUCATIONAL EQUITY

[SEC. 4001. SHORT TITLE; FINDINGS AND STATEMENT OF PURPOSE.

[(a) SHORT TITLE.—This part may be cited as the "Women's Educational Equity Act".

[(b) FINDINGS AND STATEMENT OF PURPOSE.—(1) The Congress finds and declares that educational programs in the United States, as presently conducted, are frequently inequitable as such programs relate to women and frequently limit the full participation of all individuals in American society. The Congress finds and declares that excellence in education cannot be achieved without equity for women and girls.

[(2) It is the purpose of this part to provide educational equity for women in the United States and to provide financial assistance to enable educational agencies and institutions to meet the requirements of title IX of the Educational Amendments of 1972. It is also the purpose of this part to provide educational equity for women and girls who suffer multiple discrimination, bias, or stereotyping based on sex and on race, ethnic origin, disability, or age.

[SEC. 4002. PROGRAM AUTHORIZED.

[(a) AUTHORIZATION.—The Secretary is authorized to make grants to, and enter into contracts with, public agencies, private nonprofit agencies, organizations, and institutions, including student and community groups, and individuals, for activities designed to achieve the purpose of this part at all levels of education, including preschool, elementary and secondary education, higher education, and adult education. The activities may include—

[(1) demonstration, developmental, and dissemination activities of national, statewide, or general significance, including—

[(A) the development, where such materials are commercially unavailable, and evaluation of curricula, textbooks, and other educational materials related to educational equity;

[(B) model preservice and inservice training programs for educational personnel with special emphasis on programs and activities designed to provide educational equity;

[(C) research and development activities designed to advance educational equity;

[(D) guidance and counseling activities, including the development of nondiscriminatory tests, designed to ensure educational equity;

[(E) educational activities to increase opportunities for adult women, including continuing educational activities and programs for underemployed and unemployed women; and

[(F) the expansion and improvement of educational programs and activities for women in vocational education, career education, physical education, and educational administration; and

[(2) assistance to eligible entities to pay a portion of the costs of the establishment and operation, for a period of not to exceed 2 years, of special programs and projects of local significance to provide equal opportunities for both sexes, including activities listed in paragraph (1), activities incident to achieving compliance with title IX of the Education Amendments of 1972 and other special activities designed to achieve the purposes of this part.

Not less than 75 percent of funds used to support activities described by paragraph (2) shall be used for awards to local educational agencies. The Secretary shall ensure that at least 1 grant or contract is available during each fiscal year for the performance of each of the activities described in paragraph (1) of this subsection.

[(b) LIMITATION.—For each fiscal year, the Secretary shall use $4,500,000 from the funds available under this part to support activities described in paragraph (1) of subsection (a). Any funds in excess of $4,500,000 available under this part may be used to support new activities described in paragraph (1) or to support activities described in paragraph (2), or both.

[SEC. 4003. APPLICATION; PARTICIPATION.

[(a) APPLICATION.—A grant may be made, and a contract may be entered into, under this part only upon application to the Secretary, at such time, in such form, and containing or accompanied by such information as the Secretary may prescribe. Each such application shall—

[(1) provide that the program or activity for which assistance is sought will be administered by or under the supervision of the applicant;

[(2) describe a program for carrying out one or more of the purposes set forth in section 4001(b) which holds promise of making a substantial contribution toward attaining such purposes; and

[(3) set forth policies and procedures which insure adequate evaluation of the activities intended to be carried out under the application, including where appropriate an evaluation or estimate of the potential for continued significance following completion of the grant period.

[(b) SPECIAL RULE.—In approving applications under this part, the Secretary shall give special consideration to—

[(1) applications submitted by applicants that have not received assistance under this part or under part C of title IX of the Elementary and Secondary Education Act of 1965 (as in effect prior to October 1, 1988); and

[(2) proposals from applicants on the basis of geographic distribution throughout the United States.

[(c) LIMITATION.—Nothing in this part shall be construed as prohibiting men and boys from participating in any programs or activities assisted under this part.

[SEC. 4004. CHALLENGE GRANTS.

[(a) Purpose.—In addition to the authority of the Secretary under section 4002, the Secretary shall carry out a program of challenge grants (as part of the grant program administered under section 4002(a)(1)), not to exceed $40,000 each, in order to support projects to develop—

[(1) comprehensive plans for implementation of equity programs at every educational level;

[(2) innovative approaches to school-community partnerships;

[(3) New dissemination and replication strategies; and

[(4) other innovative approaches to achieving the purposes of this part.

[(b) Grant Recipients.—For the purpose described in paragraphs (1) through (4) of subsection (a), the Secretary is authorized to make grants to public agencies and private nonprofit organizations and consortia of these groups and to individuals.

[SEC. 4005. CRITERIA AND PRIORITIES.

[The Secretary shall establish separate criteria and priorities for awards under sections 4002(a)(1) and 4002(a)(2) under this part to insure that available funds are used for programs that most effectively will achieve the purposes of this part. The criteria and priorities shall be promulgated in accordance with section 431 of the General Education Provisions Act.

[SEC. 4006. REPORTS, EVALUATION, AND DISSEMINATION.

[(a) Reports.—The Secretary shall, from funds authorized under this part, not later than September 30, 1992, submit to the President and the Congress a report setting forth the programs and activities assisted under this part, and provide for the distribution of this report.

[(b) Evaluation and Dissemination.—The Secretary, through the Office of Educational Research and Improvement, shall evaluate and disseminate (at low cost) materials and programs developed under this part.

[SEC. 4007. AUTHORIZATION OF APPROPRIATIONS.

[There are authorized to be appropriated $9,000,000 for the fiscal year 1989, and such sums as may be necessary for each of the fiscal years 1990, 1991, 1992, and 1993, to carry out the provisions of this part.

[PART B—GIFTED AND TALENTED CHILDREN

SEC. 4101. SHORT TITLE

[This part may be referred to as the "Jacob K. Javitz Gifted and Talented Students Education Act of 1988".

[SEC. 4102. FINDINGS AND PURPOSES.

[(a) Findings.—The Congress finds and declares that—

[(1) gifted and talented students are a national resource vital to the future of the Nation and its security and well-being;

[(2) unless the special abilities of gifted and talented students are recognized and developed during their elementary and secondary school years, much of their special potential for contributing to the national interest is likely to be lost;

[(3) gifted and talented students from economically disadvantaged families and areas, and students of limited English proficiency are at greatest risk of being unrecognized and of not being provided adequate or appropriate educational services;

[(4) State and local educational agencies and private nonprofit schools often lack the necessary specialized resources to plan and implement effective programs for the early identification of gifted and talented students for the provision of educational services and programs appropriate to their special needs; and

[(5) the Federal Government can best carry out the limited but essential role of stimulating research and development and personnel training, and providing a national focal point of information and technical assistance, that is necessary to ensure that our Nation's schools are able to meet the special educational needs of gifted and talented students, and thereby serve a profound national interest.

[(b) STATEMENT OF PURPOSE.—It is the purpose of this part to provide financial assistance to State and local educational agencies, institutions of higher education, and other public and private agencies and organizations, to initiate a coordinated program of research, demonstration projects, personnel training, and similar activities designed to build a nationwide capability in elementary and secondary schools to identify and meet the special educational needs of gifted and talented students. It is also the purpose of this part to supplement and make more effective the expenditure of State and local funds, and of Federal funds made available under chapter 2 of title I of this Act and title II of this Act, for the education of gifted and talented students.

[SEC. 4103. DEFINITIONS.

[For the purpose of this part:

[(1) The term "gifted and talented students" means children and youth who give evidence of high performance capability in areas such as intellectual, creative, artistic, or leadership capacity, or in specific academic fields, and who require services or activities not ordinarily provided by the school in order to fully develop such capabilities.

[(2) The term "institution of higher education" has the same meaning given such term in section 435(b) of the Higher Education Act of 1965.

[(3) The term "Hawaiian native" means any individual, any of whose ancestors were natives prior to 1778 of the area which now comprises the State of Hawaii.

[(4) The term "Hawaiian native organization" means any organization recognized by the Governor of the State of Hawaii, primarily serving and representing Hawaiian natives.

[SEC. 4104. AUTHORIZED PROGRAMS.

[(a) ESTABLISHMENT OF PROGRAMS.—From the sums appropriated under section 4108 in any fiscal year the Secretary (after consultation with experts in the field of the education of gifted and talented students) shall make grants to or enter into contracts with State educational agencies, local educational agencies, institutions of higher education, or other public agencies and private agencies and organizations (including Indian tribes and organizations as defined by the Indian Self-Determination and Education Assistance Act and Hawaiian native organizations) to assist such agencies, institutions, and organizations which submit applications in carrying out programs or projects authorized by this Act that are designed to meet the educational needs of gifted and talented students, including the training of personnel in the education of gifted and talented students or in supervising such personnel.

[(b) USES OF FUNDS.—Programs and projects assisted under this section may include—

[(1) preservice and inservice training (including fellowships) for personnel (including leadership personnel) involved in the education of gifted and talented students;

[(2) establishment and operation of model projects and exemplary programs for the identification and education of gifted and talented students, including summer programs and cooperative programs involving business, industry, and education;

[(3) strengthening the capability of State educational agencies and institutions of higher education to provide leadership and assistance to local educational agencies and nonprofit private schools in the planning, operation, and improvement of programs for the identification and education of gifted and talented students;

[(4) programs of technical assistance and information dissemination; and

[(5) carrying out (through the National Center for Research and Development in the Education of Gifted and Talented Children and Youth established pursuant to subsection (c))—

[(A) research on methods and techniques for identifying and teaching gifted and talented students, and

[(B) program evaluations, surveys, and the collection, analysis, and development of information needed to accomplish the purposes of this part.

[(c) ESTABLISHMENT OF NATIONAL CENTER.—The Secretary (after consultation with experts in the field of the education of gifted and talented students) shall establish a National Center for Research and Development in the Education of Gifted and Talented Children and Youth through grants to or contracts with one or more institutions of higher education or State educational agencies, or a combination or consortium of such institutions and agencies, for the purpose of carrying out clause (5) of subsection (b). Such National Center shall have a Director. The Secretary may authorize the Director to carry out such functions of the National Center as may be agreed upon through arrangements with other institutions of higher education, State or local educational agencies, or other public or private agencies and organizations.

[(d) LIMITATION.—Not more than 30 percent of the funds available in any fiscal year to carry out the programs and projects authorized by this section may be used for the conduct of activities pursuant to subsections (b)(5) or (c).

[SEC. 4105. PROGRAM PRIORITIES.

[(a) GENERAL PRIORITY.—In the administration of this part the Secretary shall give highest priority—

[(1) to the identification of gifted and talented students who may not be identified through traditional assessment methods (including economically disadvantaged individuals, individuals of limited English proficiency, and individuals with handicaps) and to education programs designed to include gifted and talented students from such groups; and

[(2) to programs and projects designed to develop or improve the capability of schools in an entire State or region of the Nation through cooperative efforts and participation of State and local education agencies, institutions of higher education, and other public and private agencies and organizations (including business, industry, and labor), to plan, conduct, and improve programs for the identification and education of gifted and talented students.

[(b) SERVICE PRIORITY.—In approving applications under section 4104(a) of this part, the Secretary shall assure that in each fiscal year at least one-half of the applications approved contain a component designed to serve gifted and talented students who are economically disadvantaged individuals.

[SEC. 4106. PARTICIPATION OF PRIVATE SCHOOL CHILDREN AND TEACHERS.

[In making grants and entering into contracts under this Act, the Secretary shall ensure, where appropriate, that provisions is made for the equitable participation of students and teachers in private nonprofit elementary and secondary schools, including the participation of teachers and other personnel in preservice and inservice training programs for serving such children.

[SEC. 4107. ADMINISTRATION.

[The Secretary shall establish or designate an administrative unit within the Department of Education—

[(1) to administer the programs authorized by this part,

[(2) to coordinate all programs for gifted and talented students administered by the Department, and

[(3) to serve as a focal point of national leadership and information on the educational needs of gifted and talented students and the availability of educational services and programs designed to meet those needs.

The administrative unit established or designated pursuant to this section shall be headed by a person of recognized professional qualifications and experience in the field of the education of gifted and talented students.

[SEC 4108. AUTHORIZATION OF APPROPRIATIONS.

[There are authorized to be appropriated $20,000,000 for the fiscal year 1989 and such sums as may be necessary for each of the fiscal years 1990, 1991, 1992, and 1993, to carry out the provisions of this part.

[PART C—ALLEN J. ELLENDER FELLOWSHIP PROGRAM

[SEC. 4301. FINDINGS.

[The Congress makes the following findings;

[(1) Allen J. Ellender, a Senator from Louisiana and President pro tempore of the United States Senate, had a distinguished career in public service characterized by extraordinary energy and real concern for young people and the development of greater opportunities for active and responsible citizenship by young people.

[(2) Senator Ellender provided valuable support and encouragement to the Close Up Foundation, a nonpartisan, nonprofit foundation promoting knowledge and understanding of the Federal Government among young people and their educators.

[(3) It is a fitting and appropriate tribute to the beloved Senator Ellender to provide in his name an opportunity for participation, by students of limited economic means and by their teachers, in the program supported by the Close Up Foundation.

[Subpart 1—Program for Secondary School Students and Teachers

[SEC. 4311. ESTABLISHMENT.

[(a) General Authority.—The Secretary is authorized to make grants in accordance with the provisions of this subpart to the Close Up Foundation of Washington, District of Columbia, a nonpartisan, nonprofit foundation, for the purposes of assisting the Close Up Foundation in carrying out its program of increasing understanding of the Federal Government among secondary school students, their teachers, and the communities they represent.

[(b) Use of Funds.—Grants under this subpart shall be used only for financial assistance to economically disadvantaged students and their teachers who participate in the program described in subsection (a) of this section. Financial assistance received pursuant to this subpart by such students and teachers shall be known as Allen J. Ellender fellowships.

[SEC. 4312. APPLICATIONS.

[(a) Application Required.—No grant under this subpart may be made except upon an application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

[(b) Contents of Application.—Each such application shall contain provisions to assure—

[(1) that fellowship grants are made to economically disadvantaged secondary school students, and to secondary school teachers;

[(2) that not more than 2 secondary school teacher in each such school participating in the program may receive a fellowship grant in any fiscal year;

[(3) that every effort will be made to ensure the participation of students and teachers from rural and small town areas, as well as from urban areas, and that in awarding fellowships to economically disadvantaged students, special consideration will be given to the participation of students with special educational needs, including handicapped students, students from recent immigrant families, ethnic minority students, gifted and talented students, and students of migrant parents; and

[(4) the proper disbursement of the funds of the United States received under this part.

[Subpart 2—Programs for Older Americans and Recent Immigrants

[SEC. 4321. ESTABLISHMENT.

[(a) GENERAL AUTHORITY.—(1) The Secretary is authorized to make grants in accordance with the provisions of this subpart to the Close Up Foundation of Washington, District of Columbia, a nonpartisan, nonprofit foundation, for the purpose of assisting the Close Up Foundation in carrying out its programs of increasing understanding of the Federal Government among economically disadvantaged older Americans and recent immigrants.

[(2) For the purpose of this subpart, the term "older American" means an individual who has attained 55 years of age.

[(b) USE OF FUNDS.—Grants under this subpart shall be used only for financial assistance to economically disadvantaged older Americans and recent immigrants who participate in the program described in subsection (a) of this section. Financial assistance received pursuant to this subpart by such individuals shall be known as Allen J. Ellender fellowships.

[SEC. 4322. APPLICATIONS.

[(a) APPLICATION REQUIRED.—No grant under this subpart may be made except upon application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

[(b) CONTENTS OF APPLICATION.—Each such application shall contain provisions to assure—

[(1) that fellowship grants are made to economically disadvantaged older Americans and recent immigrants;

[(2) that every effort will be made to ensure the participation of older Americans and recent immigrants from rural and small town areas, as well as from urban areas, and that in awarding fellowships, special consideration will be given to the participation of older Americans and recent immigrants with special needs, including handicapped individuals and ethnic minorities;

[(3) that activities permitted by section 4321 are fully described; and

[(4) the proper disbursement of the funds of the United States received under this part.

[Subpart 3—General Provisions

[SEC. 4331. ADMINISTRATIVE PROVISIONS.

[(a) GENERAL RULE.—Payments under this part may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of underpayment or overpayment.

[(b) AUDIT RULE.—The Comptroller General of the United States or any of the Comptroller General's duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to any grant under this part.

[SEC. 4332. AUTHORIZATION OF APPROPRIATIONS.

[(a) AUTHORIZATION FOR SUBPART 1.—There are authorized to be appropriated to carry out the provisions of subpart 1 of this part

$3,000,000 for fiscal year 1989 and such sums as may be necessary for each of the fiscal years 1990 through 1993.

[(b) AUTHORIZATION FOR SUBPART 2.—(1) There are authorized to be appropriated to carry out the provisions of subpart 2 of this part $2,000,000 for fiscal year 1989 and such sums as may be necessary for each of the fiscal years 1990 through 1993.

[(2) No funds may be appropriated pursuant to paragraph (1) for the fiscal year 1989 unless amounts appropriated pursuant to subsection (a) for such fiscal year total not less than $2,500,000. In each of the fiscal years 1990 through 1993, no funds may be appropriated pursuant to paragraph (1) unless sufficient amounts are appropriated pursuant to subsection 9a) for the fiscal year to carry out activities under subpart 1 of this part at the level established during the fiscal year 1989.

[PART D—IMMIGRANT EDUCATION

[SEC. 4401. SHORT TITLE.

[This part may be cited as the "Emergency Immigrant Education Act of 1984".

[SEC. 4402. DEFINITIONS.

[As used in this part—

[(1) The term "immigrant children" means children who were not born in any State and who have been attending schools in any 1 or more States for less than 3 complete academic years.

[(2) The term "elementary or secondary nonpublic schools" means schools which comply with the applicable compulsory attendance laws of the State and which are exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1954.

[SEC. 4403. AUTHORIZATIONS AND ALLOCATION OF APPROPRIATIONS.

[(a) AUTHORIZATIONS OF APPROPRIATIONS.—There are authorized to be appropriated to make payments to which State educational agencies are entitled under this part and payments for administration under section 4404 $30,000,000 for the fiscal year 1985, $40,000,000 for each of the fiscal years 1986, 1987, 1988, and 1989, and such sums as may be necessary for each of the fiscal years 1990, 1991, 1992, and 1993.

[(b) ALLOCATION OF APPROPRIATIONS.—(1) If the sums appropriated for any fiscal year to make payments to States under this part are not sufficient to pay in full the sum of the amounts which State educational agencies are entitled to receive under this part for such year, the allocations to State educational agencies shall be ratably reduced to the extent necessary to bring the aggregate of such allocations within the limits of the amounts so appropriated.

[(2) In the event that funds become available for making payments under this part for any period after allocations have been made under paragraph (1) of this subsection for such period, the amounts reduced under such paragraph shall be increased on the same basis as they were reduced.

[SEC. 4404. STATE ADMINISTRATIVE COSTS.

[The Secretary is authorized to pay to each State educational agency amounts equal to the amounts expended by it for the proper and efficient administration of its functions under this part, except that the total of such payments for any period shall not exceed 1.5 per centum of the amounts which that State educational agency is entitled to receive for that period under this part.

[SEC. 4405. WITHHOLDING.

[Whenever the Secretary, after reasonable notice and opportunity for a hearing to any State educational agency, finds that there is a failure to meet the requirements of any provision of this part, the Secretary shall notify that agency that further payments will not be made to the agency under this part, or in the discretion of the Secretary, that the State educational agency shall not make further payments under this part to specified local educational agencies whose actions cause or are involved in such failure until the Secretary is satisfied that there is no longer any such failure to comply. Until the Secretary is so satisfied, no further payments shall be made to the State educational agency under this part, or payments by the State educational agency under this part shall be limited to local educational agencies whose actions did not cause or were not involved in the failure, as the case may be.

[SEC. 4406. STATE ENTITLEMENTS

[(a) PAYMENTS.—The Secretary shall, in accordance with the provisions of this section, make payments to State educational agencies for each of the fiscal years 1985 through 1993 for the purpose set forth in section 4407.

[(b) ENTITLEMENTS.—(1) Except as provided in paragraph (3) and in subsections (c) and (d) of this section, the amount of the grant to which a State educational agency is entitled under this part shall be equal to the product of (A) the number of immigrant children enrolled during such fiscal year in elementary and secondary public schools under the jurisdiction of each local educational agency described under paragraph (2) within that State, and in any elementary or secondary nonpublic school within the district served by each such local educational agency, multiplied by (B) $500.

[(2) The local educational agencies referred to in paragraph (1) are those educational agencies in which the sum of the number of immigrant children who are enrolled in elementary or secondary public schools under the jurisdiction of such agencies, and in elementary or secondary nonpublic schools within the districts served by such agencies, during the fiscal year for which the payments are to be made under this part, is equal to

[(A) at least 500; or

[(B) at least 3 percent of the total number of students enrolled in such public or nonpublic schools during such fiscal year;

whichever number is less.

[(3)(A) The amount of the grant of any State educational agency for any fiscal year as determined under paragraph (1) shall be reduced by the amounts made available for such fiscal year under any other Federal law for expenditure within the State for the same purpose as those for which funds are available under this part, but such reduction shall be made only to the extent that (i) such amounts are made available for such purpose specifically because of the refugee, parollee, asylee, or other immigrant status of the individuals served by such funds, and (ii) such amounts are made available to provide assistance to individuals eligible for services under this part.

[(B) No reduction of a grant under this part shall be made under subparagraph (A) for any fiscal year if a reduction is made, pursuant to a comparable provision in any such other Federal law, in the amount made available for expenditure in the State for such fiscal year under such other Federal law, based on the amount assumed to be available under this part.

[(c) DETERMINATIONS OF NUMBER OF CHILDREN.—Determinations by the Secretary under this section for any period with respect to the number of immigrant children shall be made on the basis of data or estimates provided to the Secretary by each State educational agency in accordance with criteria established by the Secretary, unless the Secretary determines, after notice and opportunity for a hearing to the affected State educational agency, that such data or estimates are clearly erroneous.

[(2) No such determination with respect to the number of immigrant children shall operate because of an underestimate or overestimate to deprive any State educational agency of its entitlement to any payment (or the amount thereof) under this section to which such agency would be entitled had such determination been made on the basis of accurate data.

[(d) REALLOCATION.—Whenever the Secretary determines that any amount of a payment made to a State under this part for a fiscal year will not be used by such State for carrying out the purpose for which the payment was made, the Secretary shall made such amount available for carrying out such purpose to 1 or more other States to the extent the Secretary determines that such other States will be able to use such additional amount for carrying out such purpose. Any amount made available to a State from an appropriation for a fiscal year in accordance with the preceding sentence shall, for purposes of this part, be regarded as part of such State's payment (as determined under subsection (b)) for such year, but shall remain available until the end of the succeeding fiscal year.

[SEC. 4407. USES OF FUNDS.

[(a) SUPPLEMENTARY EDUCATIONAL SERVICES AND COSTS.—Payments made under this part to any State may be used in accordance with applications approved under section 4408 for supplementary educational services and costs, as described under subsection (b) of this section, for immigrant children enrolled in the elementary and secondary public schools under the jurisdiction of the local educational agencies of the State described in section 4406(b)(2) and in elementary and secondary nonpublic schools of that State within the districts served by such agencies.

[(b) KINDS OF SERVICES AND COSTS.—Financial assistance provided under this part shall be available to meet the costs of providing immigrant children supplementary educational services, including but not limited to—

[(1) supplementary educational services necessary to enable those children to achieve a satisfactory level of performance, including—

[(A) English language instruction;

[(B) other bilingual educational services; and

[(C) special materials and supplies;

[(2) additional basic instructional services which are directly attributable to the presence in the school district of immigrant children, including the costs of providing additional classroom supplies, overhead costs, costs of construction, acquisition or rental of space, costs of transportation, or such other costs as are directly attributable to such additional basic instructional services; and

[(3) essential inservice training for personnel who will be providing instruction described in either paragraph (1) or (2) of this subsection.

[SEC. 4408. APPLICATIONS.

[(a) SUBMISSION.—No State educational agency shall be entitled to any payment under this part for any period unless that agency submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information, as the Secretary may reasonably require. Each such application shall—

[(1) provide that the educational programs, services, and activities for which payments under this part are made will be administered by or under the supervision of the agency;

[(2) provide assurances that payments under this part will be used for purposes set forth in section 4407;

[(3) provide assurances that such payments will be distributed among local educational agencies within that State on the basis of the number of children counted with respect to such local educational agency under section 4406(b)(1), adjusted to reflect any reductions imposed pursuant to section 4406(b)(3) which are attributable to such local educational agency;

[(4) provide assurances that the State educational agency will not finally disapprove in whole or in part any application for funds received under this part without first affording the local educational agency submitting an application for such funds reasonable notice and opportunity for a hearing;

[(5) provide for making such reports as the Secretary may reasonably require to perform the functions under this part; and

[(6) provide assurances—

[(A) that to the extent consistent with the number of immigrant children enrolled in the elementary or secondary nonpublic schools within the district served by a local educational agency, such agency, after consultation with appropriate officials of such schools, shall provide for the benefit of these children secular, neutral, and nonideological services, materials, and equipment necessary for the education of such children;

[(B) that the control of funds provided under this part and title to any materials, equipment, and property repaired, remodeled, or constructed with those funds shall be in a public agency for the uses and purposes provided in this part, and a public agency shall administer such funds and property; and

[(C) that the provision of services pursuant to this paragraph shall be provided by employees of a public agency or through contract by such public agency with a person, association, agency, or corporation who or which, in the provision of such services, is independent of such elementary or secondary nonpublic school and of any religious organization; and such employment or contract shall be under the control and supervision of such public agency, and the funds provided under this paragraph shall not be commingled with State or local funds.

[(b) APPROVAL OF APPLICATION.—The Secretary shall approve an application which meets the requirements of subsection (a). The Secretary shall not finally disapprove an application of a State educational agency except after reasonable notice and opportunity for a hearing on the record to such agency.

[SEC. 4409. PAYMENTS.

[(a) AMOUNT.—Except as provided in section 4403(b), the Secretary shall pay to each State educational agency having an application approved under section 4408 the amount which that State is entitled to receive under this part.

[(b) SERVICES TO CHILDREN ENROLLED IN NONPUBLIC SCHOOLS.—If by reason of any provision of law a local educational agency is prohibited from providing educational services for children enrolled in elementary and secondary nonpublic schools, as required by section 4408(a)(6), or if the Secretary determines that a local educational agency has substantially failed or is unwilling to provide for the participation on an equitable basis of children enrolled in such schools, the Secretary may waive such requirement and shall arrange for the provision of services to such children through arrangements which shall be subject to the requirements of this part. Such waivers shall be subject to consultation, withholding, notice, and judicial review requirements in accordance with the provisions of chapter 1 of title I.

[SEC. 4410. REPORTS.

[(a) BIENNIAL REPORT.—Each State educational agency receiving funds under this part shall submit, biennially, a report to the Secretary concerning the expenditure of funds by local educational agencies under this part. Each local educational agency receiving funds under this part shall submit to the State educational agency such information as may be necessary for such report.

[(b) REPORT TO CONGRESS.—The Secretary shall submit biannually a report to the appropriate committees of the Congress concerning programs under this part.

[PART E—TERRITORIAL ASSISTANCE

[SEC. 4501. GENERAL ASSISTANCE FOR THE VIRGIN ISLANDS.

[There are authorized to be appropriated $5,000,000 for the fiscal year 1989 and for each of the 4 subsequent fiscal years, for the purpose of providing general assistance to improve public education in the Virgin Islands.

[SEC. 4502. TERRITORIAL TEACHER TRAINING ASSISTANCE.

[There are authorized to be appropriated $2,000,000 for the fiscal year 1989 and for each of the 4 subsequent fiscal years for the purpose of assisting teacher training programs in Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia. From the sums appropriated pursuant to this section the Secretary shall make grants and enter into contracts for the purpose of providing training to teachers in schools in Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia. The Secretary may make grants to or contracts with any organization considered qualified to provide training for teachers in such schools and shall allot such sums among such territories on the basis of the need for such training.

[PART F—SECRETARY'S FUND FOR INNOVATION IN EDUCATION

[SEC. 4601. PROGRAM AUTHORIZED.

[(a) General Authority.—(1) From funds appropriated under this part, the Secretary is authorized to carry out programs and projects which show promise of identifying and disseminating innovative educational approaches.

[(2) The Secretary, in carrying out the provisions of this part, is authorized to—

[(A) develop, prepare, and conduct an optional test for academic excellence in accordance with section 4602;

[(B) carry out programs for technology education in accordance with section 4603;

[(C) strengthen and expand computer education resources available in public and private elementary and secondary schools in accordance with section 4604; and

[(D) establish and strengthen comprehensive school health education programs in accordance with section 4605.

[(b) Administrative Authority.—The Secretary is authorized to carry out programs and projects under this section directly, or through grants to or contracts with State and local educational agencies, institutions of higher education, and other public and private agencies, organizations, and institutions.

[SEC. 4602. OPTIONAL TESTS FOR ACADEMIC EXCELLENCE.

[(a) Test of Academic Excellence Authorized.—The Secretary is authorized, after consultation with appropriate State and local educational agencies and public and private organizations, to approve comprehensive tests of academic excellence or to develop such a test where commercially unavailable, to be administered to identify outstanding students who are in the eleventh grade of public and private secondary schools.

[(b) Preparation and Conduct of Tests.—(1) The Secretary is authorized to establish a program through arrangements with appropriate State educational agencies, local educational agencies, public and private secondary schools, and public and private organizations throughout the Nation, under which the tests of academic excellence prepared or approved under this part may be given by such agencies or schools, on a voluntary basis, to students described in this section. The tests of academic excellence shall be tests of acquired skills and knowledge appropriate for the completion of a secondary school education. Such students may file applications for the test at such time and in such manner as the Secretary may prescribe. Upon application by any appropriate agency or school by such time and in such manner as the Secretary may determine, the Secretary shall pay to such agency or school the cost of the administrative expenses it has incurred pursuant to an arrangement made under this section.

[(2) The Secretary shall assure that the tests authorized by this part are conducted in a secure manner, and that test items remain confidential so that such items may be used in future tests.

[(c) CERTIFICATE.—(1) The Secretary is authorized and directed to prepare a certificate, of such appropriate design as the Secretary shall prescribe, and in such numbers as are necessary, for issuance to students who have scored at a sufficiently high level, as determined by the Secretary, on a test of academic excellence prepared or approved under this subpart and given in accordance with arrangements made under this section. Each such student shall be awarded a certificate within 60 days following the date on which the student was given the test.

[(2) Each certificate awarded pursuant to this section shall be signed by the Secretary.

[(d) REPORT.—The Secretary shall prepare and submit to the Congress a report on the estimated costs of administering, scoring, and analyzing the tests of academic excellence prepared or approved under this subpart.

[SEC. 4603. TECHNOLOGY EDUCATION.

[(a) GENERAL AUTHORITY.—The Secretary is authorized to develop materials for educational television and radio programming for use in elementary and secondary education, together with programs which use telecommunications and video resources for the instruction of public and private elementary and secondary school students and for related teacher training programs for public and private elementary and secondary school teachers.

[(b) USES OF FUNDS.—Funds available to carry out this section may be used for—

[(1) programs and projects which use such technology to address specifically the equational needs in critical subject matter areas;

[(2) programs and projects to assist in the training of public and private elementary and secondary school teachers, administrators, and other educational personnel to use in the schools of such television programming, radio programming, telecommunications programs, or video resources, or in the coordination of such technology with the school curriculum; or

[(3) educational television, educational radio, telecommunications or video resources programs or projects which promote a partnership between elementary and secondary schools, the parents of elementary and secondary students, State educational agencies, and institutions of higher education or the community in which such schools are located.

[(c) DEFINITION.—For the purpose of this section the term "telecommunications" means the full range of technologies that can be used for educational instruction, including closed circuit television systems, educational television and radio broadcasting, cable television, satellite transmission, a computer laser discs, and video and audio discs and tapes.

[SEC. 4604. PROGRAMS FOR COMPUTER-BASED INSTRUCTION.

[(a) GENERAL AUTHORITY.—The Secretary is authorized to make grants and enter into contracts, as authorized by section 4601 for the purpose of strengthening and expanding computer education resources available in public and private elementary and secondary schools.

[(b) USES OF FUNDS.—Projects assisted under this section may include—

[(1) the acquisition and leasing of computer hardware for instructional purposes, including services necessary for the operation, installation, and maintenance of computer hardware;

[(2) the acquisition of computer software and complementary instructional materials; or

[(3) teacher training programs designed to improve the quality of instruction in computer education and to expand the use of computers in the curriculum. Such programs may make provision for teacher stipends at a rate of $275 per week for the period of attendance in such program. The Secretary may enter into cooperative agreements with the National Science Foundation and other appropriate nonprofit agencies and organizations in carrying out programs under this section.

[(c) SPECIAL RULE.—No grant may expend more than 25 percent for the acquisition of computer hardware.

[(d) PLANNING REQUIREMENT.—No grant may be made under this section unless the applicant carries out planning activities designed to facilitate the use of Federal financial assistance under this section for the expansion of computer resources in elementary or secondary schools. Such planning activities shall include—

[(1) the goals for computer education in the schools;

[(2) integration with the curriculum;

[(3) where appropriate, provisions for computer use after school by students, parents, teachers, and adult learners; and

[(4) standards for the evaluation of computer education programs.

[SEC. 4605. PROGRAMS FOR THE IMPROVEMENT OF COMPREHENSIVE SCHOOL HEALTH EDUCATION

[(a) GENERAL AUTHORITY.—The Secretary through the Office established under subsection (c) of this section, may—

[(1) encourage State and local educational agencies to provide comprehensive school health education to the elementary and secondary school students in the schools of such agencies;

[(2) provide technical support to State and local educational agencies on health education programs and curricula;

[(3) make grants to State and local educational agencies in accordance with this section;

[(4) provide an annual report on the progress of the Office (established under subsection (c)) and the status of school health education in the United States;

[(5) cooperate with other Federal agencies carrying out school health education programs to ensure coordination of such programs; and

[(6) advise the Secretary on school health education policy.

[(b) USES OF FUNDS.—Grants under this section may be used to improve elementary and secondary education in the areas of—

[(1) personal health and fitness;
[(2) nutrition;
[(3) mental and emotional health;
[(4) prevention of chronic diseases;
[(5) substance use and abuse;
[(6) accident prevention and safety;
[(7) community and environmental health;
[(8) prevention and control of communicable diseases;
[(9) effective use of the health services delivery system; and
[(10) development and aging.

[(c) OFFICE OF COMPREHENSIVE SCHOOL HEALTH EDUCATION.—The Secretary may establish within the Office of the Secretary an Office of Comprehensive School Health Education with the following responsibilities:

[(1) To recommend mechanisms for the coordination of school health education programs conducted by various Federal agencies.

[(2) To advise the Secretary on the formulation of school health education policy within the Department of Education.

[(3) To disseminate information on the benefits to health education of utilizing a comprehensive health curriculum in schools.

[SEC. 4606. ALTERNATIVE CURRICULUM SCHOOLS.

[(a) STATEMENT OF PURPOSE.—It is the purpose of this section to assist—

[(1) local educational agencies;
[(2) consortia of such agencies; and
[(3) intermediate educational units;

which have significant percentages of minority students to establish and conduct programs which reflect a minority composition of at least 50 percent in the alternative curriculum school established by the applicant to strengthen the knowledge of elementary and secondary school students in academic subjects and to contribute to the desegregation of the schools of the applicant.

[(b) ELIGIBILITY.—A local educational agency, consortium of such agencies, or intermediate educational unit, is eligible to receive a grant under this section if such agency, unit, or consortium submits an application which contains evidence of collaborative arrangements between the applicant and an institution of higher education, a community-based organization, another local educational agency, an appropriate State educational agency, or any combination of such institutions, organizations, or agencies.

[(c) USES OF FUNDS.—Grants under this section may be used for—

[(1) planning and outreach activities directly related to expansion and enhancement of academic programs and services in the alternative curriculum school;

[(2) the acquisition of books, materials, and equipment (including computers and the maintenance and operation thereof) necessary for the conduct of educational programs in the alternative curriculum school; and

[(3) the payment, or subsidization of the compensation, of elementary and secondary school teachers who are certified or licensed by the State and who are necessary for the conduct of educational programs in the alternative curriculum school;

whenever such assistance is directly related to improving the knowledge of mathematics, science, history, English, foreign languages, art, or music, or to improving the vocational skills of elementary and secondary school students.

[(d) APPLICATIONS.—Each applicant desiring to receive a grant under this section shall submit an application in such form, in such manner, and containing or accompanied by such information as the Secretary may reasonably require. Each such application shall—

[(1) provide assurances that the assistance will be used for the purposes described in subsection (c);

[(2) provide assurances that the local educational agency or intermediate educational unit would have a minority composition of at least 65 percent, or in the case of a consortium, that at least one local educational agency would have a minority composition of 65 percent;

[(3) provide assurances that the students served in the alternative curriculum school established reflect a minority composition of at least 50 percent;

[(4) demonstrate the extent to which the alternative curriculum school will contribute to desegregation in the local educational agency;

[(5) demonstrate the extent to which the alternative curriculum school will contribute to the improvements of the academic quality of the education offered by schools throughout the local educational agency;

[(6) describe the collaborative efforts required by subsection (b);

[(7) provide assurances that teachers will be employed in the courses of instruction assisted under this section who are certified or licensed by the State to teach the subject matter of the courses of instruction;

[(8) provide assurances that the applicant will not engage in discrimination based upon race, religion, color, national origin, sex, or handicapping conditions in—

[(A) hiring, promotion, or assignment of employees of the applicant or other personnel for whom the applicant has any administrative responsibility;

[(B) the mandatory assignment of students to schools or to courses of instruction within schools of such applicant, except as is necessary to carry out an approved desegregation plan; and

[(C) designing or operating extracurricular activities for students;

[(9) describe how funds made available under this section will be used to promote integration and provide a high quality education program for local educational agencies with significant concentrations of minority students;

[(10) describe how such applicant will devote its resources to continuing the program when funds made available to it under this section may no longer be made available; and

[(11) provide such other assurances as the Secretary determines necessary.

[Unused Amounts.—In any fiscal year in which amounts are appropriated but not allocated under this section, the Secretary shall use such amounts to make grants under title III of this Act (relating to magnet schools).

[(f) Special Evidentiary Rule.—Notwithstanding any other provision of law, the award of funds under this section may not be used in any cause of action or administrative proceeding as evidence relating to the issue of desegregation of a public school of a local educational agency receiving such an award.

[SEC. 4607. INNOVATIVE ALCOHOL ABUSE EDUCATION PROGRAMS.

[(a) Programs for Children of Alcoholics.—The Secretary is authorized to develop materials for innovative programs of alcohol abuse education, especially programs that focus on the effect of the disease of alcoholism on families of alcoholics, particularly with respect to children of alcoholics. Programs for which materials are developed under the preceding sentence should be programs designed to benefit young children, particularly children in grades 5 through 8.

[(b) Training Programs for Educators.—The Secretary may make grants to programs for educators that are designed to—

[(1) increase awareness of children's problems that may be caused by an alcoholic parent;

[(2) enhance the ability of such educators to identify children at risk for alcohol abuse;

[(3) inform such educators concerning referral of children of alcoholics for appropriate professional treatment; and

[(4) train such educators to inform the public about the special problems of children who have an alcoholic parent.

[SEC. 4608. NATIONAL GEOGRAPHY STUDIES CENTERS.

[(a) Program Authorized.—(1) The Secretary is authorized to enter into a contract with the Education Foundation of the National Geographic Society in order to pay the Federal share of the cost of the establishment and operation of National Geography Studies Center. Each Center shall be for the study of geography in elementary and secondary schools.

[(2) For the purpose of this section—

[(A) the term "contractor" means the Education Foundation of the National Geographic Society; and

[(B) the term "Centers" means the National Geography Studies Centers assisted under this section.

[(b) Requirements of Contract.—The contract described in subsection (a)(1) shall provide that—

[(1) funds made available to the contractor pursuant to any contract entered into under this section will be used to pay the

Federal share of the cost of establishing and operating the Centers in accordance with this section; and

[(2) the contractor will carry out the provisions of this section.

[(c) ESTABLISHMENT OF CENTERS.—In carrying out the provisions of this section, the contractor may enter into contracts with or make grants to local educational agencies, State educational agencies, State higher educational agencies, institutions of higher education, or consortia thereof, to establish and operate the Centers.

[(d) FUNCTIONS OF THE CENTERS.—Each Center assisted under this section shall—

[(A) support programs for the study of geography for elementary and secondary school students, that may include laboratory schools and summer institutes;

[(B) support programs which provide elementary and secondary school teacher retraining and inservice training in geography and may make provision for teacher stipends for the period of participation in the program; and

[(C) establish procedures, through an advisory panel, for selecting elementary and secondary school students and teachers for the programs supported through the centers.

The selection procedures under subparagraph (C), to the extent practicable, shall take into account geographic distribution and the needs for greater access to, and participation in, geography studies by students and teachers from historically underrepresented groups including females, minorities, and individuals with handicaps.

[(2) Each Center may—

[(A) support the development and dissemination of innovative curriculum in geography;

[(B) develop geography curriculum to be used in other subject areas such as environmental studies, science, international culture and politics, history, and foreign language studies; and

[(C) provide technical and resource assistance in geography to elementary and secondary schools in the region served by the Center.

[(e) FEDERAL SHARE.—The Federal share for each fiscal year shall be 75 percent.

[SEC. 4609. INSTRUCTION OF THE HISTORY AND PRINCIPLES OF DEMOCRACY IN THE UNITED STATES.

[(a) GENERAL AUTHORITY.—

[(1) PROGRAM ESTABLISHED.—The Secretary shall carry out a program to educate students about the history and principles of the Constitution of the United States, including the Bill of Rights, and to foster civic competence and civil responsibility. Such program shall be known as "We the People . . . the Citizen and the Constitution".

[(2) EDUCATIONAL ACTIVITIES.—The program required by paragraph (1) shall continue and expand the educational activities of the National Bicentennial Competition of the Constitution and Bill of Rights administered by the Center for Civic Education.

[(3) CONTRACT OR GRANT AUTHORIZED.—The Secretary is authorized to enter into a contract or grant with the Center for

Civic Education to carry out the program required by paragraph (1).

[(b) Program Content.—The education program authorized by this section shall provide—

[(1) a course of instruction on the basic principles of our constitutional democracy and the history of the Constitution and Bill of Rights;

[(2) school and community simulated congressional hearings following the course of study at the request of participating schools; and

[(3) an annual national competition of simulated congressional hearings for secondary students who wish to participate in such program.

[(c) Program Participants.—The education program authorized by this section shall be made available to public and private elementary and secondary schools in the 435 congressional districts, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the District of Columbia.

[(d) Special Rule.—Funds provided under this section may be used for the advanced training of teachers about the Constitution and Bill of Rights after the provisions of subsection (b) have been implemented.

[(e) Report.—The Secretary shall report on a biennial basis, to the appropriate committees of the Congress on the distribution and use of funds authorized pursuant to the authority of subsection (f).

[(f) Authorization of Appropriations.—There are authorized to be appropriated $5,000,000 for the fiscal year 1991 and such sums as may be necessary for each of the fiscal years 1992 and 1993 to carry out the provisions of this section.

[SEC. 4610. AUTHORIZATION OF APPROPRIATIONS.

[(a) There are authorized to be appropriated $20,000,000 for the fiscal year 1989 and such sums as may be necessary for each of the fiscal years 1990 through 1993, to carry out the provisions of this part (other than sections 4606 and 4607).

[(b)(1) Subject to paragraph (2), there are authorized to be appropriated $35,000,000 for fiscal year 1989, and such sums as may be necessary for each of the fiscal years 1990 through 1993 to carry out section 4606.

[(2) No appropriation may be made under paragraph (1) for any fiscal year unless the amount appropriated for the Magnet Schools Assistance Program in title III for that fiscal year is equal to or exceeds $165,000,000.

[(d) There are authorized to be appropriated $5,000,000 for the fiscal year 1989, and each succeeding fiscal year ending prior to October 1, 1993, to carry out section 4607.

[PART G—READY TO LEARN TELEVISION

[SEC. 4701. READY TO LEARN.

[(a) In General.—The Secretary is authorized to enter into contracts, cooperative agreements, or grants with entities described in section 4702(b) to develop, produce, and distribute educational and instructional video programming for preschool and elementary school children and their parents in order to facilitate the achievement of the national education goals.

[(b) AVAILABILITY.—In making such contracts, cooperative agreements, or grants, the Secretary shall ensure that recipients make programming widely available with support materials as appropriate to young children, their parents, child care workers, and Head Start providers to increase the effective use of such programming.

[SEC. 4702. EDUCATIONAL PROGRAMMING.

[(a) AWARDS.—The Secretary shall award contracts, cooperative agreements, or grants to eligible entities to—

[(1) facilitate the development directly or through contracts with producers of children and family educational television programming, educational programming for preschool and elementary school children, and accompanying support materials and services that promote the effective use of such programming; and

[(2) contract with entities (such as public broadcasting entities and those funded under the Star Schools Assistance Act) in order that programs developed under this section are disseminated and distributed to the widest possible audience appropriate to be served by the programming by the most appropriate distribution technologies.

[(b) ELIGIBLE ENTITIES.—To be eligible to receive a contract, cooperative agreement, or grant under subsection (a), an entity shall be—

[(1) a nonprofit, nongovernmental entity able to demonstrate a capacity for the development and distribution of educational and instructional television programming of high quality for preschool and elementary school children; and

[(2) able to demonstrate a capacity to contract with the producers of children's television programming for the purpose of developing educational television programming of high quality for preschool and elementary school children.

[(c) CULTURAL EXPERIENCES.—Programming developed under this section shall reflect the recognition of diverse cultural experiences and the needs and experiences of both boys and girls in engaging and preparing young children for schooling.

[SEC. 4703. DUTIES OF SECRETARY.

[The Secretary is authorized—

[(1) to establish and administer a Special Projects of National Significance program to award contracts, cooperative agreements, or grants to public and nonprofit private entities, or local public television stations or such public television stations that are part of a consortium with one or more State educational agencies, local educational agencies, local schools, institutions of higher education, or community-based organizations of demonstrated effectiveness, for the purpose of—

[(A) addressing the learning needs of young children in limited English proficient households, and developing appropriate educational and instructional television programming to foster the school readiness of such children;

[(B) developing programming and support materials to increase family literacy skills among parents to assist parents in teaching their children and utilizing educational television programming to promote school readiness; and

[(C) identifying, supporting, and enhancing the effective use and outreach of innovative programs that promote school readiness;

[(2) to establish within the Department a clearinghouse to compile and provide information, referrals and model program materials and programming obtained or developed under this part to parents, child care providers, and other appropriate individuals or entities to assist such individuals and entities in accessing programs and projects under this part; and

[(3) to develop and disseminate training materials, including—

[(A) interactive programs and programs adaptable to distance learning technologies that are designed to enhance knowledge of children's social and cognitive skill development and positive adult-child interactions; and

[(B) support materials to promote the effective use of materials development under paragraph (2);

among parents, Head Start providers, in-home and center based day care providers, early childhood development personnel, and elementary school teachers, public libraries, and after school program personnel caring for preschool and elementary school children;

[(4) coordinate activities with the Secretary of Health and Human Services in order to—

[(A) maximize the utilization of quality educational programming by preschool and elementary school children, and make such programming widely available to federally funded programs serving such populations; and

[(B) provide information to grantees of Federal programs that have major training components for early childhood development, including Head Start, Even Start, and State training activities funded under the Child Care Development Block Grant Act of 1990 regarding the availability and utilization of materials developed under paragraph (3) to enhance parent and child care provider skills in early childhood development and education.

[SEC. 4704. APPLICATIONS.

[Each eligible entity desiring a contract, cooperative agreement, or grant under section 4701 or 4703 shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

[SEC. 4705. REPORTS AND EVALUATION.

[(a) ANNUAL REPORT TO SECRETARY.—An entity receiving funds under section 4701 shall prepare and submit to the Secretary an annual report which contains such information as the Secretary may require. At a minimum, the report shall describe the program activities undertaken with funds received under this section, including—

[(1) the programming that has been developed directly or indirectly by the entity, and the target population of the programs developed;

[(2) the support materials that have been developed to accompany the programming, and the method by which such materials are distributed to consumers and users of the programming;

[(3) the means by which programming developed under this section has been distributed, including the distance learning technologies that have been utilized to make programming available and the geographic distribution achieved through such technologies; and

[(4) the initiatives undertaken by the entity to develop public-private partnerships to secure non-Federal support for the development and distribution and broadcast of educational and instructional programming.

[(b) Report to Congress.—The Secretary shall prepare and submit to the relevant committees of Congress a biannual report which includes—

[(1) a summary of the information made available under section 4702(a);

[(2) a description of the training materials made available under section 4703(3), the manner in which outreach has been conducted to inform parents and child care providers of the availability of such materials, and the manner in which such materials have been distributed in accordance with such section.

[SEC. 4706. AUTHORIZATION OF APPROPRIATIONS.

[(a) In General.—There are authorized to be appropriated to carry out this part, $25,000,000 for fiscal year 1993, and such sums as may be necessary for fiscal year 1994. Not less than 60 percent of the amounts appropriated under this subsection for each fiscal year shall be used to carry out section 4702.

[(b) Special Projects.—Of the amount appropriated under subsection (1) for each fiscal year, at least 10 percent of such amount shall be utilized in each such fiscal year for activities under section 4703(1)(C).

[SEC. 4707. ADMINISTRATIVE COSTS.

[With respect to the implementation of section 4702, entities receiving a contract, cooperative agreement, or grant from the Secretary may use up to 5 percent of the amounts received under such section for the normal and customary expenses of administering the contract, cooperative agreement, or grant.

[SEC. 4708. DEFINITION.

[For the purposes of this part, the term "distance learning" means the transmission of educational or instructional programming to geographically dispersed individuals and groups via telecommunications.

[TITLE V—DRUG EDUCATION

[SEC. 5101. SHORT TITLE.

[This title may be cited as the "Drug-Free Schools and Communities Act of 1986".

[SEC. 5102. FINDINGS.

[The Congress finds that:

[(1) Drug abuse education and prevention programs are essential components of a comprehensive strategy to reduce the demand for and use of drugs throughout the Nation.

[(2) Drug use and alcohol abuse are widespread among the Nation's students, not only in secondary schools, but increasingly in elementary schools as well.

[(3) The use of drugs and the abuse of alcohol by students constitute a grave threat to their physical and mental wellbeing and significantly impede the learning process.

[(4) The tragic consequences of drug use and alcohol abuse by students are felt not only by students and their families, but also by their communities and the Nation, which can ill afford to lose their skills, talents, and vitality.

[(5) Schools and local organizations in communities throughout the Nation have special responsibilities to work together to combat the scourge of drug use and alcohol abuse.

[(6) Prompt action by our Nation's schools, families, and communities can bring significantly closer the goal of a drug-free generation and a drug-free society.

[SEC. 5103. PURPOSE.

[It is the purpose of this title to establish programs of drug abuse education and prevention (coordinated with related community efforts and resources) through the provision of Federal financial assistance—

[(1) to States for grants to local and intermediate educational agencies and consortia to establish, operate, and improve local programs of drug abuse prevention, early intervention, rehabilitation referral, and education in elementary and secondary schools (including intermediate and junior high schools);

[(2) to States for grants to and contracts with community-based organizations for programs of drug abuse prevention, early intervention, rehabilitation referral, and education for school dropouts and other high-risk youth;

[(3) to States for development, training, technical assistance, and coordination activities;

[(4) to institutions of higher education to establish, implement, and expand programs of drug abuse education and prevention (including rehabilitation referral) for students enrolled in colleges and universities; and

[(5) to institutions of higher education in cooperation with State and local educational agencies for teacher training programs in drug abuse education and prevention.

[PART A—FINANCIAL ASSISTANCE FOR DRUG ABUSE EDUCATION AND PREVENTION PROGRAMS

[SEC. 5111. AUTHORIZATION OF APPROPRIATIONS.

[(a)(1) In General.—For the purpose of carrying out this title (other than part C and section 5136), there are authorized to be appropriated $350,000,000 for the fiscal year 1989, and such sums as may be necessary for each of the fiscal years 1990, 1991, 1992, and 1993.

[(2)(A) Except as provided in subparagraph (B), there are authorized to be appropriated for purposes of carrying out part C and section 5136 $16,000,000 for fiscal year 1989, $20,000,000 for the fiscal year 1990, and $50,000,000 for each of the fiscal years 1991, 1992, and 1993.

[(B) No funds may be appropriated for any fiscal year pursuant to the authorization contained in subparagraph (A) unless the amount appropriated for such fiscal year pursuant to the authorization contained in paragraph (1) is not less than $215,000,000.

[(3) There are authorized to be appropriated for purposes of carrying out section 5136 $25,000,000 for each of the fiscal years 1991, 1992, and 1993.

[(b) Availability.—(1) Appropriations for any fiscal year for payments made under this title in accordance with regulations of the Secretary may be made available for obligation or expenditure by the agency or institution concerned on the basis of an academic or school year differing from such fiscal year.

[(2) Funds appropriated for any fiscal year under this title shall remain available for obligation and expenditure until the end of the fiscal year succeeding the fiscal year for which such funds were appropriated.

[SEC. 5112. RESERVATIONS AND STATE ALLOTMENTS.

[(a) Reservations.—Except as provided in subsection (c), from the sums appropriated or otherwise made available to carry out this title for any fiscal year, the Secretary shall reserve—

[(1) 1 percent for payments to Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands, to be allotted in accordance with their respective needs;

[(2) 1 percent for programs for Indian youth under section 5133;

[(3) 0.2 percent for programs for Hawaiian natives under section 5134;

[(4) 8 percent for programs with institutions of higher education under section 5131;

[(5) 3.5 percent for Federal activities under section 5132; and

[(6) 4.5 percent for regional centers under section 5135.

[(b) State Allotments.—(1) From the remainder of the sums not reserved under subsection (a), the Secretary shall allot to each State an amount which bears the same ratio to the amount of such remainder as the school-age population of the State bears to the school-age population of all States, except that no State shall be allotted less than an amount equal to 0.5 percent of such remainder.

[(2) The Secretary may reallot any amount of any allotment to a State to the extent that the Secretary determines that the State will not be able to obligate such amount within 2 years of allotment. Any such reallotment shall be made on the same basis as an allotment under paragraph (1).

[(3) For each fiscal year, the Secretary shall make payments, as provided by section 6503(a) of title 31, United States Code, to each State from its allotment under this subsection from amounts appropriated for that fiscal year.

[(c) DISTRIBUTION OF APPROPRIATIONS.—Except for funds provided for any fiscal year for part C of this title and sections 5136 and 5137, and for fiscal year 1991 for section 5146, the Secretary shall distribute any amounts appropriated or otherwise made available to carry out this title for any fiscal year in the following manner:

[(1) In any year in which the total of such amounts is not more than the total amount appropriated or otherwise made available to carry out this title for the fiscal year 1989, the Secretary shall distribute such total amount as provided in subsections (a) and (b).

[(2) In any year in which the total of such amounts is greater than the total amount appropriated or otherwise made available to carry out this title for the fiscal year 1989, the amount in excess of the total amount appropriated or otherwise made available to carry out this title for the fiscal year 1989 shall be distributed as follows:

[(A) Such amount as is necessary to carry out the reservations under paragraphs (1), (2), and (3) of subsection (a);

[(B)(i) Except as provided in clause (ii), not more than $14,700,000 to be allocated to the chief executive officer of each State, in an amount which bears the same ratio to such amount as the school-age population of the State bears to the school-age population of all States.

[(ii) For fiscal year 1990, in addition to amounts made available under clause (i), $25,000,000 shall be available for distribution to the chief executive officer of each State in an amount which bears the same ratio to such additional amount as the school-age population of the State bears to the school-age population of all States. Funds available under this clause shall be used to carry out section 5136.

[(C) Subject to subparagraph (D), of the remainder—

[(i) 50 percent of such remainder shall be distributed to the States under subsection (b); and

[(ii) 50 percent of such remainder shall be distributed to the States on the basis of the amounts received by each State under part A of title I of chapter 1 for the preceding fiscal year.

[(D) Under subparagraph (C), no State shall be allotted less than an amount equal to 0.5 percent of such remainder.

[(d) DEFINITION.—For the purposes of this section, the term "State" means any of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

[PART B—STATE AND LOCAL PROGRAMS

[SEC. 5121. USE OF ALLOTMENTS BY STATES.

[(a) STATE PROGRAM.—An amount equal to 30 percent of the total amount paid to a State from its allotment under section 5112 for any fiscal year shall be used by the chief executive officer of such State for a State program in accordance with section 5122.

[(2) Not more than 2.5 percent of the amount reserved under paragraph (1) may be used for administrative costs of the chief executive officer of the State incurred in carrying out the duties of the chief executive officer under this part.

[(b) WITHIN STATE DISTRIBUTION; ADMINISTRATIVE COSTS.—An amount equal to 70 percent of the total amount paid to a State from its allotment under section 5112 for any fiscal year shall be used by the State educational agency to carry out its responsibilities in accordance with section 5124 and for grants to local and intermediate educational agencies and consortia for programs and activities in accordance with section 5125.

[(c) USE OF ADDITIONAL AMOUNTS.—Any amounts received by a State under section 5112(c)(2)(C) shall be used by the State educational agency to make grants to local educational agencies for purposes of carrying out programs in accordance with section 5125. The State educational agency shall distribute any such amounts among the local educational agencies within the State on the basis of the amounts received by each such local educational agency under part A of title I of chapter 1 for the preceding fiscal year.

[SEC. 5122. STATE PROGRAMS.

[(a) IN GENERAL.—Not more than 42.5 percent of the funds available for each fiscal year under section 5121(a) to the chief executive officer of a State shall be used for grants to and contracts with parent groups, community action agencies, community-based organizations, and other public entities and private nonprofit entities for the development and implementation of programs and activities such as—

[(1) local broadly-based programs for drug and alcohol abuse prevention, early intervention, rehabilitation referral, and education for all age groups;

[(2) training programs concerning drug abuse education and prevention for teachers, counselors, other educational personnel, parents, local law enforcement officials, judicial officials, other public service personnel, and community leaders;

[(3) the development and distribution of educational and informational materials to provide public information (through the media and otherwise) for the purpose of achieving a drug-free society;

[(4) technical assistance to help community-based organizations and local and intermediate educational agencies and consortia in the planning and implementation of drug abuse prevention, early intervention, rehabilitation referral, and education programs;

[(5) activities to encourage the coordination of drug abuse education and prevention programs with related community efforts and resources, which may involve the use of a broadly representative State advisory council including members of the

State board of education, members of local boards of education, parents, teachers, counselors, health and social service professionals, and others having special interest or expertise;

[(6) other drug abuse education and prevention activities consistent with the purposes of this title, which may include a youth suicide prevention program;

[(7) intrastate drug and alcohol abuse education and prevention centers for providing outreach, consultation, training, and referral services to schools, organizations, and members of the community, except that—

[(A) any administrative expenses of such centers, including overhead expenses, shall be considered, for the purposes of section 5121(a)(2), to be administrative costs of the chief administrative officer of the State incurred in carrying out the duties of the chief executive officer under this part;

[(B) amounts made available for purposes of this paragraph may not be used for building or construction; and

[(C) the activities of any such center that receives assistance under this paragraph shall be coordinated with the activities of other relevant centers in the State; and

[(8) to promote, establish, and maintain drug-free school zones for schools within the State, which shall include—

[(A) the determination, with the assistance of municipal authorities and local law enforcement agencies, as appropriate, of the geographical boundaries of schools within the State and the posting of signs identifying school properties as drug-free school zones;

[(B) drug-abuse education and prevention programs and enforcement policies designed to eliminate the illicit use of alcohol and drugs in such zones;

[(C) assisting teachers, administrators, athletic directors, and other school personnel in cooperating fully with law enforcement officials to punish violations of laws relating to illegal drugs;

[(D) informing the community—

[(i) of the content and intent of laws relating to school safety and laws relating to illegal drugs as they affect schoolchildren; and

[(ii) of the perimeters of the drug-free school zones;

[(E) employing the services of the local or substate regional advisory council on drug abuse education and prevention established or designated by the local application submitted under section 5126(a) as a resource for advice and support with respect to implementation of such zones; and

[(F) communication to students, teachers, athletic directors, and other school personnel by administrators that activities that are illicit and harmful to the health and wellbeing of the students will not be tolerated within schools and their surrounding environments.

[(b) INNOVATIVE PROGRAMS.—(1) Not less than 42.5 percent of the funds available for each fiscal year under section 5121(a) to the chief executive officer of a State shall be used for innovative community-based programs of coordinated services for high-risk youth. The chief executive officer shall make grants to or enter into contracts with public entities or private nonprofit entities for purposes of providing community-based programs of coordinated services that are designed for high-risk youths, including programs that use strategies to improve skills of such youths such as vocational and educational counseling and job skills training, giving priority to assisting community action agencies, community-based organizations, parent groups, and other entities which are representative of communities or significant segments of communities and which have the capability to provide such services. The chief executive officer shall also make grants to private nonprofit organizations to develop new strategies to communicate anti-drug abuse messages to youths.

[(2) For purposes of this subsection, the term "high risk youth" means an individual who has not attained the age of 21 years, who is at high risk of becoming or who has been a drug or alcohol abuser, and who—

[(A) is a school dropout;

[(B) has experienced repeated failure in school;

[(C) has become pregnant;

[(D) is economically disadvantaged;

[(E) is the child of a drug or alcohol abuser;

[(F) is a victim of physical, sexual, or psychological abuse;

[(G) has committed a violent or delinquent act;

[(H) has experienced mental health problems;

[(I) has attempted suicide;

[(J) has experienced long-term physical pain due to injury; and

[(K) is a juvenile in a detention facility within the State.

[(3) Not more than 10 percent of participants in programs under paragraph (1) may be individuals who are not high-risk youth if the Secretary determines that the participation of such individuals will not significantly diminish the amount of quality of services provided to high-risk youth.

[(c) Amounts made available to the chief executive officer of a State for use under this section shall be expended only for activities that—

[(1) are authorized under subsection (a) or (b); and

[(2) have demonstrable benefits for individuals who are eligible to participate in such activities.

[(d) DRUG TESTING PROGRAMS.—For each fiscal year, amounts made available to the chief executive officer of a State by section 5121(a) may be used for nondiscriminatory random drug testing programs for students voluntarily participating in athletic activities only in schools which voluntarily choose to participate in such a program. Nothing in this subsection shall prescribe or prohibit the use of drug testing programs.

[(c) DRUG ABUSE RESISTANCE EDUCATION PROGRAMS.—(1) Not less than 10 percent of the funds available for each fiscal year under section 5121(a) to the chief executive officer of a State shall be used for grants to local educational agencies in consortium with entities which have experience in assisting school districts to provide instruction to students grades kindergarten through 6 to recognize and resist pressures that influence such students to use controlled substances, as defined in Schedules I and II of section 202 of the Controlled Substances Act the possession or distribution of which is unlawful under such Act, or beverage alcohol, such as Project Drug Abuse Resistance Education, that meet the requirements of paragraph (2).

[(2) A local educational agency in consortium with an entity shall not be eligible for a grant under paragraph (1) unless such local educational agency in consortium with an entity will use assistance provided under such grant to provide or arrange for the provisions of services that shall include—

[(A) drug abuse resistance education instruction for students grades kindergarten through 6 that is designed to teach students to recognize and resist pressures to experiment that influence such children to use controlled substances, as defined under paragraph (1), or beverage alcohol, including instruction in the following areas—

[(i) drug use and misuse;
[(ii) understanding the consequences of drug abuse;
[(iii) resistance techniques;
[(iv) assertive response styles;
[(v) managing stress without taking drugs;
[(vi) decisionmaking and risk taking;
[(vii) media influences on drug use;
[(viii) positive alternatives to drug abuse behavior,
[(ix) interpersonal and communication skills;
[(x) self-esteem building activities; and
[(xi) resistance to peer pressure and gang pressure;

[(B) provisions for parental involvement;

[(C) classroom instruction by uniformed law enforcement officials;

[(D) the use of positive student leaders to influence younger students not to use drugs;

[(E) an emphasis on activity-oriented techniques designed to encourage student-generated responses to problem-solving situations; and

[(F) the awarding of a certificate of achievement to each student who participates in a drug abuse resistance education program.

[(3) Amounts received under paragraph (1) by any local educational agency or entity shall be used only to supplement, not to supplant, the amount of Federal, State, and local funds expended for the support of projects of the type described in paragraph (2).

[(d) REPLICATION OF SUCCESSFUL DRUG EDUCATION PROGRAMS.—Not less than 5 percent of the funds available for each fiscal year under section 5121(a) to the chief executive officer of a State shall be used for grants to local educational agencies or consortia of local educational agencies and private nonprofit entities to provide drug abuse education, prevention, or counseling services to students in kindergarten through grade 12.

[(e) ELIGIBILITY.—A local educational agency or consortium described in subsection (a) shall not be eligible for a grant under this section unless such agency or consortium agrees—

[(1) to use assistance provided under such grant to provide or arrange for the provision of programs offering drug abuse education, prevention, or counseling to students of compulsory school age, including—

[(A) programs to provide drug abuse counseling in the schools by trained personnel;

[(B) programs that stress the use of peers to combat student abuse of drugs and alcohol;

[(C) programs that stress parental and community involvement in combating student abuse of drugs and alcohol; and

[(D) other appropriate programs;

[(2) that programs provided with assistance under the grant shall be designed to prevent or eliminate student abuse of drugs or alcohol;

[(3) to use assistance provided under the grant to expand or replicate a program that has a demonstrated record of success at either the State or local level in preventing or eliminating student abuse of drugs or alcohol; and

[(4) to ensure that the program to be expanded or replicated is appropriate for the students to be served, based on an assessment of their most important needs.

[(f) APPLICATION.—A local educational agency or consortium described in subsection (a) that desires to receive a grant under this section shall submit an application to the chief executive office of the State at such time, in such manner, and containing or accompanied by such information and assurances as such officer may reasonably require. Each such application shall contain—

[(1) a discussion of why the particular program to be assisted under the grant is appropriate for and responds to the particular needs of the students to be served;

[(2) a complete description of the success of the program to be assisted under the grant in reducing or eliminating drug or alcohol abuse among students of compulsory school age;

[(3) an assurance that the consortium concerned will provide assistance, in cash or in kind, for the program assisted under the grant in an amount equal to not less than 10 percent of the amount provided under the grant; and

[(4) an assurance that funds received under the grant shall be used to supplement, not supplant, the mount of other Federal, State, and local funds expended for support of programs of the type described in subsection (b).

[SEC. 5123. STATE APPLICATIONS.

[(a) IN GENERAL.—In order to receive an allotment under section 5112(b), a State shall submit an application to the Secretary. As part of such application, the chief executive officer of the State shall agree to use the funds made available under section 5121(a) in accordance with the requirements of this part. As part of such application, the State educational agency of the State shall agree to use the funds made available under section 5121(b) in accordance with the requirements of this part.

[(b) CONTENTS OF APPLICATIONS.—The application submitted by each State under subsection (a) shall—

[(1) cover a period of three fiscal years;

[(2) be submitted at such time and in such manner, and contain such information, as the Secretary may require;

[(3) contain assurances that the Federal funds made available under this part for any period will be so used as to supplement and increase the level of State, local, and non-Federal funds that would in the absence of such Federal funds be made available for the programs and activities for which funds are provided under this part and will in no event supplant such State, local, and other non-Federal funds;

[(4) provide that the State will keep such records and provide such information as may be required by the Secretary for fiscal audit and program evaluation;

[(5) contain assurances that there is compliance with the specific requirements of this part;

[(6) include a comprehensive plan describing how money allocated to the chief executive officer is to be used;

[(7) describe the manner in which the State educational agency will coordinate its efforts with appropriate State health, law enforcement, and drug abuse prevention agencies, including the State agency which administers the Alcohol, Drug Abuse, and Mental Health block grant under part B of title XIX of the Public Health Service Act and judicial officials;

[(8) provide assurances that the State educational agency will provide financial assistance under this part only to local and intermediate educational agencies and consortia which establish and implement drug abuse education and prevention programs in elementary and secondary schools;

[(9) provide for an annual evaluation of the effectiveness of programs assisted under this part;

[(10) provide a description of how, where feasible, the alcohol and drug abuse programs will be coordinated with youth suicide prevention programs funded by the Federal Government, State and local governments, and nongovernmental agencies and organizations;

[(11) provide a description of State teacher certification requirements, if applicable, regarding training in drug and alcohol abuse education and prevention; and

[(12) include a plan for providing innovative programs of drug abuse education for juveniles in detention facilities within the State as required by section 5122(b)(1)(A).

[SEC. 5124. RESPONSIBILITIES OF STATE EDUCATIONAL AGENCIES.

[(a) Grants to Local and Intermediate Educational Agencies.—(1) Each State educational agency shall use a sum which shall not be less than 90 percent of the amounts available under section 5121(b) for each fiscal year for grants to local educational agencies, intermediate educational agencies, and consortia in the State, in accordance with applications approved under section 5126.

[(2) From the sum described in paragraph (1), the State educational agency shall distribute funds for use among local educational agencies, intermediate educational agencies and consortia in the State on the basis of the relative enrollments in public schools and private nonprofit served by such agencies and consortia.

[(3(A) Not later than July 1 of each year, the State educational agency shall inform each local educational agency, intermediate educational agency and consortium in the State of the amount allocated to such agency or consortium from amounts available under subsections (b) and (c) of section 5121. If a local educational agency or a consortium of local educational agencies chooses not to apply to receive the amount allocated to such agency under the subsection, the State educational agency—

[(i) shall distribute such amount to the intermediate educational agency serving such local educational agency or consortium; or

[((ii) may, if it is able to facilitate the arrangement of a consortium among local educational agencies in the State that choose not to apply to receive the amounts allocated to such agencies under this subsection, distribute such amount to such consortium.

[(B) The State educational agency shall distribute to a local educational agency, intermediate educational agency, or consortium the amount allocated to such agency or consortium from amounts available under subsections (b) and (c) of section 5121 upon the approval of an application for such agency under section 5126.

[(4)(A) Except as provided in subparagraph (B), upon the expiration of the 1-year period beginning on the date that a local educational agency, intermediate educational agency, or consortium under this subsection receives its allocation under this subsection—

[(i) such agency or consortium shall return to the State educational agency any funds from such allocation that remain unobligated; and

[(ii) the State educational agency shall reallocate any such amount to local educational agencies, intermediate educational agencies, or consortia that have plans for using such amount for programs or activities on a timely basis.

[(B) In any fiscal year, a local educational agency, intermediate educational agency, or consortium may retain for obligation in the succeeding fiscal year—

[(i) an amount equal to not more than 25 percent of the allocation it receives under this subsection for such fiscal year;

[(ii) upon a demonstration of good cause by such agency or consortium, a greater amount approved by the State educational agency.

[(b) STATE PROGRAMS.—Each State educational agency shall use not more than 10 percent of the amounts available under section 5121(b) for each fiscal year for such activities as—

[(1) training and technical assistance programs concerning drug abuse education and prevention for local and intermediate educational agencies, including teachers, administrators, athletic directors, other educational personnel, parents, local law enforcement officials, and judicial officials;

[(2) the development, identification, and dissemination of the most readily available, accurate, and up-to-date model curriculum materials that clearly and consistently teach that illicit drug use is harmful for consideration by local educational agencies and for evaluation of the materials;

[(3) demonstration projects in drug abuse education and prevention;

[(4) special financial assistance to enhance resources available for drug abuse education and prevention in areas serving large numbers of economically disadvantaged children or sparsely populated areas, or to meet special needs; and

[(5) administrative costs of the State educational agency in carrying out its responsibilities under this part, not in excess of .5 percent of the amounts available under subsections (b) and (c) of section 5121.

[SEC. 5125. LOCAL DRUG ABUSE EDUCATION AND PREVENTION PROGRAMS.

[(a) IN GENERAL.—Any amounts made available to local or intermediate educational agencies or consortia under section 5124(a) shall be used for drug and alcohol abuse prevention and education programs and activities, including—

[(1) the development, acquisition, and implementation of elementary and secondary school drug abuse education and prevention curricula and textbooks and materials, including audiovisual materials—

[(A) developed from the most readily available, accurate, and up-to-date information; and

[(B) which clearly and consistently teach that illicit drug use is wrong and harmful;

[(2) school-based programs of drug abuse prevention and early intervention (other than treatment), which—

[(A) should, to the extent practicable, employ counselors whose sole duty is to provide drug abuse prevention counseling to students;

[(B) may include the use of drug-free older students as positive role models and instruction relating to—

[(i) self-esteem;
[(ii) drugs and drug addiction;
[(iii) decisionmaking and risk-taking;
[(iv) stress management techniques; and
[(v) assertiveness;

[(C) may bring law enforcement officers into the classroom to provide antidrug information and positive alternatives to drug use, including decisionmaking and assertiveness skills; and

[(D) in the case of a local educational agency that determines it has served all students in all grades, such local educational agency may target additional funds to particularly vulnerable age groups, especially those in grades 4 through 9;

[(3) family drug abuse prevention programs, including education for parents to increase awareness about the symptoms and effects of drug use through the development and dissemination of appropriate educational materials;

[(4) drug abuse prevention and intervention counseling programs (which counsel that illicit drug use is wrong and harmful) for students, parents, and immediate families, including professional and peer counselors and involving the participation (where appropriate) of parent, or other adult counselors and reformed abusers, which may include—

[(A) the employment of counselors, social workers, psychologists, or nurses who are trained to provide drug abuse prevention and intervention counseling; or

[(B) the provision of services through a contract with a private nonprofit organization that employs individuals who are trained to provide such counseling;

[(5) outreach activities, drug and alcohol abuse education and prevention programs, and referral services, for school dropouts;

[(6) guidance counseling programs and referral services for parents and immediate families of drug and alcohol abusers;

[(7) programs of referral for drug abuse treatment and rehabilitation;

[(8) programs of in service and preservice training in drug and alcohol abuse prevention for teachers, counselors, other school personnel, athletic directors, public service personnel, law enforcement officials, judicial officials, and community leaders;

[(9) programs in primary prevention and early intervention, such as the interdisciplinary school-team approach;

[(10) community education programs and other activities involve parents and communities in the fight against drug and alcohol abuse;

[(11) public education programs on drug and alcohol abuse, including programs utilizing professionals and former drug and alcohol abusers;

[(12) model alternative schools for youth with drug problems that address the special needs of such students through education and counseling; and

[(13) on-site efforts in schools to enhance identification and discipline of drug and alcohol abusers, and to enable law enforcement officials to take necessary action in cases of drug possession and supplying of drugs and alcohol to the student population;

[(14) special programs and activities to prevent drug and alcohol abuse among student athletes, involving their parents and family in such drug and alcohol abuse prevention efforts and using athletic programs and personnel in preventing drug and alcohol abuse among all students;

[(15) in the case of a local educational agency that determines that it provides sufficient drug and alcohol abuse education during regular school hours, after-school programs that provide drug and alcohol abuse education for school-aged children, including children who are unsupervised after school, and that may include, school-sponsored sports, recreational, educational, or instructional activities (local educational agency may make grants or contracts with nonprofit community-based organizations that offer sports, recreation, education, or child care programs); and

[(16) other programs of drug and alcohol abuse education and prevention, consistent with the purposes of this part.

[(b) ELIGIBILITY.—A local or intermediate educational agency or consortium may receive funds under this part for any fiscal year covered by an application under section 5126 approved by the State educational agency.

[SEC. 5126. LOCAL APPLICATIONS.

[(a) IN GENERAL.—(1) In order to be eligible to receive a grant under this part for any fiscal year, a local or intermediate educational agency or consortium shall submit an application to the State educational agency for approval before the expiration of the 120-day period beginning on the date that the State educational agency notifies the local educational agency, intermediate educational agency, or consortium of the amount allocated to such agency or consortium under section 5124(a).

[(2) An application under this section shall be for a period not to exceed 3 fiscal years and may be amended annually as may be necessary to reflect changes without filing a new application. Such application shall—

[((A) set forth a comprehensive plan for programs to be carried out by the applicant under this part;

[(B) contain an estimate of the cost for the establishment and operation of such programs;

[(C) establish or designate a local or substate regional advisory council on drug abuse education and prevention composed of individuals who are parents, teachers, officers of State and local government, medical professionals, representatives of the law enforcement community, community-based organizations, and other groups with interest and expertise in the field of drug abuse education and prevention;

[(D) describe the extent of the current drug and alcohol problem in the schools of the applicant;

[(E) describe the manner in which the applicant will coordinate its efforts under this part with other programs in the community related to drug abuse education, prevention, treatment, and rehabilitation and with appropriate community-based organizations;

[(F) provides assurances that the applicant will coordinate its efforts with appropriate State and local drug and alcohol abuse, health, and law enforcement agencies, in order to effectively conduct drug and alcohol abuse education, intervention, and referral for treatment and rehabilitation for the student population;

[(G) provide assurances that the Federal funds made available under this part shall be used to supplement and, to the extent practical, to increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant for the purposes described in this part, and in no case supplant such funds;

[(H) provide assurances of compliance with the provisions of this part;

[(I) agree to keep such records and provide such information to the State educational agency as reasonably may be required for fiscal audit and program evaluation, consistent with the responsibilities of the State agency under this part;

[(J) describe how the applicant will ensure that the schools will be an important part of a community-wide effort to achieve a drug-free population;

[(K) describe how, to the extent practicable, assistance provided under this title will be used to provide trained counselors, social workers, psychologists, and nurses to carry out drug abuse prevention and intervention activities in addition to any individuals so employed by the applicant on the date of the enactment of the Drug-Free Schools and Communities Act Amendments of 1989;

[(L) provide assurances that the applicant will maintain and make available for distribution a list of local resources for substance abuse counseling and treatment;

[(M) provide assurances that the applicant has reviewed curricula that it intends to use and that such curricula will meet the needs of the schools served by the applicant;

[(N) describe how, to the extent practicable, assistance provided under the grant will be used to provide drug abuse counseling services to children of all ages, including students in the elementary schools;

[(O) describe how, to the extent practicable, activities assisted under the grant will be coordinated with local law enforcement agencies in order to improve security on school grounds and in the surrounding community and to educate students about—

[(i) the dangers of drug use and drug-related violence;

[(ii) the penalties for possession of or trafficking in illegal drugs;

[(iii) techniques for resisting drug abuse; and

[(iv) the importance of cooperating with law enforcement officials in eliminating drug abuse and identifying individuals who supply drugs to students;

[(P) describe the training that will be provided for teachers and other personnel who are involved in the implementation of programs to be carried out by the applicant under this part; and

[(Q) include such other information and assurances as the State educational agency reasonably determines to be necessary.

[(b) PROGRESS REPORTS.—(1) Each applicant shall annually submit to the State educational agency a progress report on the implementation of its plan. The progress report shall include—

[(A) the applicant's significant accomplishments under the plan during the preceding year;

[(B) the extent to which the original objectives of the plan are being achieved;

[(C) a discussion of the method used by the applicant to evaluate the effectiveness of its drug education program carried out under its plan; and

[(D) the results of the evaluation described in subparagraph (C).

[(2) If the State educational agency determines that the applicant's progress report shows that it is not making reasonable progress toward accomplishing the objectives of its plan and the purposes of this Act, the State educational agency shall provide such technical assistance to the applicant as may be necessary.

[SEC. 5127. REPORTS.

(a) State Reports.—Each State shall submit to the Secretary a biennial report that contains information on the State and local programs conducted with assistance furnished under this title. Each such report shall—

[(1) be in a standard format;

[(2) request standard information as prescribed by the Secretary; and

[(3) include—

[(A) a description of the drug and alcohol problem in the elementary and secondary schools in the State as of the date of the report;

[(B) a description of the range of drug and alcohol policies in the schools in the State;

[(C) the number of individuals served by this title;

[(D) the demographic characteristics of populations served;

[(E) types of service provided and duration of the services;

[(F) information on how the State has targeted the populations listed under section 5122(b)(2);

[(G) a description of the model drug and alcohol abuse education and prevention programs in the State that have been demonstrated to be effective; and

[(H) an evaluation of the effectiveness of State and local drug and alcohol abuse education and prevention programs.

[(b) Local Reports.—Each State educational agency shall request the information required to prepare the biennial reports required by subsection (a) as part of the local educational agency application and progress reports required by section 5126. Information requested under the preceding sentence shall be limited to information described in section 5126 and subsection (a).

[PART C—TRAINING OF TEACHERS, COUNSELORS, AND SCHOOL PERSONNEL

[SEC. 5128. GRANTS FOR TRAINING OF TEACHERS.

[(a) In General.—From amounts appropriated pursuant to the authorization contained in section 5111(a)(2), the Secretary shall make grants to State educational agencies, local educational agencies, and institutions of higher education for teachers training programs in accordance with this section.

[(b) Use of Funds.—Amounts made available under grants under this section shall be used to establish, expand, or enhance programs and activities for the training of elementary and secondary school teachers and administrators, and other elementary and secondary school personnel concerning drug and alcohol abuse education and prevention.

[SEC. 5129. GRANTS FOR TRAINING OF COUNSELORS.

[(a) In General.—

[(1) From amounts appropriated pursuant to the authorization contained in section 5111(a)(2), the Secretary shall give priority to making a substantial number of grants to qualified State educational agencies, local educational agencies, and institutions of higher education for programs to train counselors, social workers, psychologists, or nurses in accordance with this section.

[(2) The Secretary may also make a grant under this part to any private nonprofit agency that has an agreement with a local educational agency to provide training in drug abuse counseling for individuals who will provide such counseling in the schools of such local educational agency.

[(b) Use of Funds.—Amounts made available under grants under this section shall be used to establish, expand, or enhance programs and activities for the training of counselors, social workers, psychologists, or nurses who are providing or will provide drug abuse prevention, counseling, or referral services in elementary and secondary schools.

[SEC. 5130. APPLICATIONS.

[(a) In General.—Any State or local educational agency, institution of higher education, or consortium of such agencies or institutions that desires to receive a grant under this part in any fiscal year submit an application to the Secretary at such time and in such manner as the Secretary may prescribe.

[(b) Contents.—Each application submitted under this section shall—

[(1) set forth the activities and programs to be carried out with funds paid under this part;

[(2) contain an estimate of the cost for the establishment and operation to such activities and programs;

[(3) provide assurances that the Federal funds made available under this section shall be used to supplement, and, to the extent practical, to increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant for the purpose described in this part, and in no case to supplant such funds;

[(4) provide assurances of compliance with this part;

[(5) in the case of a grant under section 5129, contain a discussion of how the training to be assisted under the grant will assist the applicant to—

[(A) increase the number of school personnel who are trained to provide drug abuse counseling services; and

[(B) improve the quality of drug abuse counseling services offered by the applicant or the local educational agency concerned; and

[(6) include such other information and assurances as the Secretary reasonably determines to be necessary.

[PART D—NATIONAL PROGRAMS

[SEC. 5131. GRANTS TO INSTITUTIONS OF HIGHER EDUCATION.

[(a) In General.—(1) From sums reserved by the Secretary under section 5112(a)(4) for the purposes of this section, the Secretary shall make grants to or enter into contracts with institutions of higher education or consortia of such institutions for drug abuse education and prevention programs under this section.

[(2) The Secretary shall make financial assistance available on a competitive basis under this section. An institution of higher education or consortium of such institutions which desires to receive a grant or enter into a contract under this section shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require in accordance with regulations.

[(3) The Secretary shall make every effort to ensure the equitable participation of private and public institutions of higher education (including community and junior colleges) and to ensure the equitable geographic participation of such institutions. In the award of grants and contracts under this section, the Secretary shall give appropriate consideration to colleges and universities of limited enrollment.

[(4) Not less than 50 percent of sums available for the purposes of this section shall be used to make grants under subsection (c).

[(b) Grants for Model Demonstration Programs.—Grants shall be available for model demonstration programs to be coordinated with local elementary and secondary schools for the development and implementation of quality drug abuse education curricula. In the award of grants under this subsection, the Secretary shall give priority consideration to joint projects involving faculty of institutions of higher education and teachers in elementary and secondary schools in the practical application of the findings of educational research and evaluation and the integration of such research into drug abuse education and prevention programs.

[(c) Grants for Programs of Drug Abuse Education and Prevention.—Grants shall be available under this subsection to develop, implement, operate, and improve programs of drug abuse education and prevention (including rehabilitation referral) for students enrolled in institutions of higher education.

[SEC. 5132. FEDERAL ACTIVITIES.

[(a) Use of Reserved Funds.—From sums reserved by the Secretary under section 5112(a)(5), the Secretary shall carry out the purposes of this section.

[(b) Federal Drug Abuse Education and Prevention Activities.—The Secretary of Education in conjunction with the Secretary of Health and Human Services shall carry out Federal education and prevention activities on drug abuse. The Secretary shall coordinate such drug abuse education and prevention activities with other appropriate Federal activities related to drug abuse. The Secretary shall directly or through grants, cooperative agreements, or contracts—

[(1) provide information on drug abuse education and prevention to the Secretary of Health and Human Services for dissemination by the clearinghouse for alcohol and drug abuse information established under section 509 of the Public Health Service Act;

[(2) facilitate the utilization of appropriate means of communicating to students at all educational levels about the dangers of drug use and alcohol abuse, especially involving the participation of entertainment personalities and athletes who are recognizable role models for many young people;

[(3) develop, publicize the availability of, and widely disseminate the most readily available, accurate, and up-to-date audiovisual and other curricular materials for drug abuse education and prevention programs in elementary and secondary schools throughout the Nation; and coordinate activities that complement media efforts of groups such as the Partnership for a Drug-Free America, professional and amateur sports organizations, and other public service organizations;

[(4) provide technical assistance to State, local, and intermediate education agencies and consortia in the selection and implementation of drug abuse education and prevention curricula, approaches, and programs to address most effectively the needs of the elementary and secondary schools served by such agencies;

[(5) identify research and development priorities with regard to school-based drug abuse education and prevention, particularly age-appropriate programs focusing on kindergarten through grade 4;

[(6) use private nonprofit organizations to develop innovative strategies to communicate antidrug abuse messages to youths and to eliminate drug abuse from the communities of the Nation; and

[(7) as necessary, evaluate programs assisted under this title.

[(c) STUDIES.—(1) The Secretary of Education in conjunction with the Secretary of Health and Human Services shall conduct, directly or by contract, a study of the relationship between drug and alcohol abuse and youth suicide and shall submit a report of the findings on such studies to the President and to the appropriate committees of the Congress not later than 1 year after the date of the enactment of this title.

[(2) The Secretary shall summarize and consolidate the biennial reports submitted under section 5127(a) and shall transmit such summary and consolidation, together with recommendations for future education and prevention efforts, to the Associate Director of the Office of National Drug Control Policy, and to the Congress.

[(3)(A) The Secretary, in consultation with the Secretary of Health and Human Services, shall conduct an independent evaluation, directly or by contract, of a representative sample of programs assisted under this title and shall identify successful projects which may be replicated by other local educational agencies throughout the country. The Secretary shall submit to the Congress—

[(i) an interim report containing the results of such evaluation and a description of such projects not later than October 1, 1991, and

[(ii) a final report containing such information not later than January 1, 1994.

[(B) The Secretary shall ensure that the information contained in the reports required by subparagraph (A) is submitted for dissemination to the National Diffusion Network and through the regional centers established under section 5135.

[SEC. 5133. PROGRAMS FOR INDIAN YOUTH.

[(a) USE OF RESERVED FUNDS.—From the funds reserved pursuant to section 5112(a)(2), the Secretary shall make payments and grants and enter into other financial arrangements for Indian programs in accordance with this subsection.

[(b) FINANCIAL ARRANGEMENTS.—The Secretary of Education shall enter into such financial arrangements as the Secretary determines will best carry out the purposes of this title to meet the needs of Indian children on reservations serviced by elementary and secondary schools funded for Indian children by the Department of the Interior. Such arrangements shall be made pursuant to an agreement between the Secretary of Education and the Secretary of the Interior containing such assurances and terms as they determine will best achieve the purposes of this title.

[(c) GRANT AND CONTRACT AUTHORITY.—The Secretary of Education may, upon request of any Indian tribe which is eligible to contract with the Secretary of the Interior for the administration of programs under the Indian Self-Determination Act or under the Act of April 16, 1934, enter into grants or contracts with any tribal organization of any such Indian tribe to plan, conduct and administer programs which are authorized and consistent with the purposes of this title (particularly programs for Indian children who are school dropouts, except that such grants or contracts shall be subject to the terms and conditions of section 102 of the Indian Self-Determination Act and shall be conducted in accordance with sections 4, 5, and 6, of the Act of April 16, 1934, which are relevant to the programs administered under this paragraph.

[(d) ADDITIONAL PROGRAMS.—Programs funded under this subsection shall be in addition to such other programs, services, and activities, as are made available to eligible Indians under other provisions of this title.

[SEC. 5134. PROGRAMS FOR HAWAIIAN NATIVES.

[(a) GENERAL AUTHORITY.—From the funds reserved pursuant to section 5112(a)(3), the Secretary shall make grants to or enter into cooperative agreements or contracts with organizations primarily serving and representing Hawaiian natives which are recognized by the Governor of the State of Hawaii to plan, conduct, and administer programs, or portions thereof, which are authorized by and consistent with the provisions of this title for the benefit of Hawaiian natives.

[(b) DEFINITION OF "HAWAIIAN NATIVE".—For the purposes of this section, the term "Hawaiian native" means any individual any of whose ancestors were natives, prior to 1778, of the area which now comprises the State of Hawaii.

[SEC. 5135. REGIONAL CENTERS.

The Secretary, through grants, cooperative agreements, or contracts, shall use the amounts made available to carry out this section for each fiscal year to maintain 5 regional centers to—

[(1) train school teams to assess the scope and nature of their drug abuse and alcohol abuse problems, mobilize the community to address such problems, design appropriate curricula, identify students of highest risk and refer them to appropriate treatment, and institutionalize long-term effective drug and alcohol abuse programs, including long-range technical assistance, evaluation, and followup on such training;

[(2) assist State educational agencies in coordinating and strengthening drug abuse and alcohol abuse education and prevention programs;

[(3) assist local educational agencies and institutions of higher education in developing appropriate preservice and inservice training programs for educational personnel; and

[(4) evaluate and disseminate information on effective drug abuse and alcohol abuse education and prevention programs and strategies.

[SEC. 5136. EMERGENCY GRANTS.

[(a) Program Authorized.—Except as provided under subsection (d), the Secretary, in consultation with the Attorney General and the Secretary of Health and Human Services, shall make grants to eligible local educational agencies that demonstrate significant need for additional assistance for purposes of combating drug and alcohol abuse by students served by such agencies.

[(b) Eligible Agencies.—A local educational agency shall be eligible to receive a grant under this section if such agency—

[(1) receives assistance under section 1006 or meets the criteria of clauses (i) and (ii) of section 1006(a)(1)(A); and

[(2) serves an area—

[(A) in which there is a large number or a high percentage of—

[(i) arrests for, or while under the influence of, drugs or alcohol; or

[(ii) convictions of youths for drug or alcohol-related crimes;

[(B) in which there is a large number or high percentage of referrals of youths to drug and alcohol abuse treatment and rehabilitation programs; and

[(C) that has a significant drug and alcohol abuse problem, as indicated by other appropriate data.

[(c) Amount of Grants.—Each grant awarded under this section shall be in an amount that is not less than $100,000 and not more than $1,000,000.

[(d) Fiscal Year 1990.—For fiscal year 1990, funds available for the purposes of this section shall be allocated to the chief executive officer of each State for distribution through State educational agencies to local educational agencies.

[SEC. 5137. DRUG-FREE SCHOOL ZONES DEMONSTRATION PROGRAM.

[(a) Establishment of Demonstration Program for Drug-Free School Zones.—The Secretary of Education is authorized to establish a demonstration program to establish and maintain drug-free school zones as described in section 5122(a)(8). In carrying out the demonstration program under this section, the Secretary shall make grants to local educational agencies, intermediate educational agencies, and consortia.

[(b) Evaluations.—The Secretary shall evaluate programs under this section.

[(c) Authorization of Appropriations.—There are authorized to be appropriated $2,000,000 to carry out the purposes of this section. Funds appropriated under this section are authorized to remain available until expended.

[PART E—GENERAL PROVISIONS

[SEC. 5141. DEFINITIONS.

[(a) GENERAL RULE.—Except as otherwise provided, the terms used in this title shall have the meaning provided under section 1471 of title 1 of this Act.

[(b) SPECIFIC DEFINITIONS.—For the purposes of this title, the following terms have the following meanings:

[(1) The term "drug abuse education and prevention" means prevention, early intervention, rehabilitation referral, and education related to the abuse of alcohol and the use and abuse of controlled, illegal, addictive, or harmful substances, including anabolic steroids.

[(2) The term "illicit drug use" means the use of illegal drugs and the abuse of other drugs and alcohol, including anabolic steroids.

[(3) The term "Secretary" means the Secretary of Education.

[(4) The term "school-age population" means the population aged 5 through 17 (inclusive), as determined by the Secretary on the basis of the most recent satisfactory data available from the Department of Commerce.

[(5) The term "school dropout" means an individual aged 5 through 18 who is not attending any school and who has not received a secondary school diploma or a certificate from a program of equivalency for such a diploma. This definition shall not apply after the Secretary defines such term as required by section 6201 of this Act.

[(6) The term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, or the Virgin Islands.

[(7) The term "institution of higher education" means an educational institution in any State which—

[(A) admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate;

[(B) is legally authorized within such State to provide a program of education beyond high school;

[(C) provides an educational program for which it awards a bachelor's degree, or provides not less than a 2-year program which is acceptable for full credit toward such a degree, or offers a 2-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semiprofessional level in engineering, scientific, or other technological fields which require the understanding and application of basic engineering, scientific, or mathematical principles or knowledge;

[(D) is a public or other nonprofit institution; and

[(E) is accredited by a nationally recognized accrediting agency or association listed by the Secretary pursuant to this paragraph or, if not so accredited, is an institution whose credits are accepted, on transfer, by not less than 3 institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited, except that in the case of an institution offering a 2-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semiprofessional level in engineering, scientific, or technological fields which requires the understanding and application of basic engineering, scientific, or mathematical principles or knowledge if the Secretary determines that there is no nationally recognized accrediting agency or association qualified to accredit such institutions, the Secretary shall appoint an advisory committee, composed of persons specially qualified to evaluate training provided by such institutions, which shall prescribe the standards of content, scope, and quality which must be met in order to qualify such institutions to participate under this title and shall also determine whether particular institutions meet such standards. For the purposes of this paragraph the Secretary shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of education or training offered.

[(8) The term "nonprofit" as applied to a school, agency, organization, or institution means a school, agency, organization, or institution owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

[(9) The term "consortium" (except in section 5131) means a consortium of local educational agencies or of one or more intermediate educational agencies and one or more local educational agencies.

[(10) The term "school personnel" includes teachers, administrators, guidance counselors, social workers, psychologists, nurses, librarians, and other support staff who are employed by a school or who perform services for the school on a contractual basis.

[SEC. 5142. FUNCTIONS OF THE SECRETARY OF EDUCATION.

[(a) ADMINISTRATION.—The Secretary shall be responsible for the administration of the programs authorized by this title.

[(b) MODEL CRITERIA AND FORMS.—The Secretary, in consultation with a representative sample of national educational organizations, shall develop model criteria and forms for the collection of data and information with respect to programs assisted under this title. In order to enable schools and community-based organizations to share uniform data and information with respect to programs assisted under this title, the model criteria and forms shall be disseminated to the regional centers established under section 5135 as a resource for State and local educational programs.

[(c) APPLICABILITY OF GENERAL EDUCATION PROVISIONS ACT.—Except as otherwise provided, the General Education Provisions Act shall apply to programs authorized by this title.

[SEC. 5143. PARTICIPATION OF CHILDREN AND TEACHERS FROM PRIVATE NONPROFIT SCHOOLS.

[(a) PARTICIPATION OF PRIVATE SCHOOL CHILDREN.—To the extent consistent with the number of school-age children in the State or in the school attendance area of a local or intermediate educational agency or consortium receiving financial assistance under part B who are enrolled in private nonprofit elementary and secondary schools, such State, agency, or consortium shall, after consultation with appropriate private school representatives, make provision for including services and arrangements for the benefit of such children as will assure the equitable participation of such children in the purposes and benefits of this title.

[(b) PARTICIPATION OF PRIVATE SCHOOL TEACHERS.—To the extent consistent with the number of school-age children in the State or in the school attendance area of a local or intermediate educational agency or consortium receiving financial assistance under part B who are enrolled in private nonprofit elementary and secondary schools, such State, agency, or consortium shall, after consultation with appropriate private school representatives, make provision, for the benefit of such teachers in such schools, for such teacher training as will assure equitable participation of such teachers in the purposes and benefits of this title.

[(c) PROVISION OF SERVICES BY SECRETARY AND STATE EDUCATIONAL AGENCIES.—(1) If by reason of any provision of law a State, local, or intermediate educational agency or consortium is prohibited from providing for the participation of children or teachers from private nonprofit schools as required by subsections (a) and (b) or, if the Secretary determines that a State, local, or intermediate educational agency or consortium has substantially failed or is unwilling to provide for such participation on an equitable basis, the Secretary shall waive such requirements and shall arrange for the provision of services to such children or teachers which shall be subject to the requirements of this section. Such waivers shall be subject to consultation, withholding, notice, and judicial review requirements in accordance with section 1017 of this Act.

[(2) If a State educational agency determines that a local educational agency, intermediate educational agency, or consortium, as appropriate, is failing to provide for the equitable participation of children or teachers from private nonprofit elementary or secondary schools in accordance with subsection (a) or (b), the State educational agency shall waive the requirements of such subsection with respect to such local educational agency, intermediate educational agency, or consortium and make appropriate arrangements for the equitable participation of such children or teachers.

[SEC. 5144. MATERIALS.

[Any materials produced or distributed with funds made available under this title shall reflect the message that illicit drug use is wrong and harmful. The Secretary shall not review curricula and shall not promulgate regulations to carry out this subsection or subparagraph (1) or (4) of section 5125(a).

[SEC. 5145. CERTIFICATION OF DRUG AND ALCOHOL ABUSE PREVENTION PROGRAMS.

[(a) In General.—Notwithstanding any other provision of law other than section 432 of the General Education Provisions Act and section 103(b) of the Department of Education Organization Act, no local educational agency shall be eligible to receive funds or any other form of financial assistance under any Federal program unless it certifies to the State educational agency that it has adopted and has implemented a program to prevent the use of illicit drugs and alcohol by students or employees that, at a minimum, includes—

[(1) age-appropriate, developmentally based drug and alcohol education and prevention programs (which address the legal, social, and health consequences of drug and alcohol use and which provide information about effective techniques for resisting peer pressure to use illicit drugs or alcohol) for students in all grades of the schools operated or served by the applicant, from early childhood level through grade 12;

[(2) conveying to students that the use of illicit drugs and the unlawful possession and use of alcohol is wrong and harmful;

[(3) standards of conduct that are applicable to students and employees in all the applicant's schools and that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on school premises or as part of any of its activities;

[(4) a clear statement that sanctions (consistent with local, State, and Federal law), up to and including expulsion or termination of employment and referral for prosecution, will be imposed on students and employees who violate the standards of conduct required by paragraph (3) and a description of those sanctions;

[(5) information about any available drug and alcohol counseling and rehabilitation and re-entry programs that are available to students and employees;

[(6) a requirement that parents, students, and employees be given a copy of the standards of conduct required by paragraph (3) and the statement of sanctions required by paragraph (4);

[(7) notifying parents, students, and employees that compliance with the standards of conduct required by paragraph (3) is mandatory; and

[(8) a biennial review by the applicant of its program to—

[(A) determine its effectiveness and implement changes to the program if they are needed; and

[(B) ensure that the sanctions required by paragraph (4) are consistently enforced.

[(b) Dissemination of Information.—Each local educational agency that provides the certification required by subsection (a) shall, upon request, make available to the Secretary, the State educational agency, and to the public full information about the elements of its program required by subsection (a), including the results of its biennial review.

[(c) Certification to Secretary.—Each State educational agency shall certify to the Secretary that it has adopted and has implemented a program to prevent the use of illicit drugs and the abuse of alcohol by its students and employees that is consistent with the program required by subsection (a) of this section. The State educational agency shall, upon request, make available to the Secretary and to the public full information about the elements of its program.

[(d) REGULATIONS.—(1) The Secretary shall publish regulations to implement and enforce the provisions of this section, including regulations that provide for—

[(A) the periodic review by State educational agencies of a representative sample of programs required by subsection (a); and

[(B) a range of responses and sanctions for local educational agencies that fail to implement their programs or to consistently enforce their sanctions, including information and technical assistance, the development of a compliance agreement, and the termination of any form of Federal financial assistance.

[(2) The sanctions required by subsection (a)(1)(4) may include the completion of an appropriate rehabilitation program.

[(e) Upon a determination by the Secretary to terminate financial assistance to any local educational agency under this section, the agency may file an appeal with an administrative law judge before the expiration of the 30-day period beginning on the date such agency is notified of the decision to terminate financial assistance under this section. Such judge shall hold a hearing with respect to such termination of assistance before the expiration of the 45-day period beginning on the date that such appeal is filed. Such judge may extend such 45-day period upon a motion by the agency concerned. The decision of the judge with respect to such termination shall be considered to be a final agency action.

[SEC. 5146. DISSEMINATION OF INFORMATION AND TECHNICAL ASSISTANCE.

[(a) DISSEMINATION OF INFORMATION AND TECHNICAL ASSISTANCE.—The Secretary, through the National Diffusion Network established under section 1562, shall disseminate information and technical assistance with respect to drug abuse education and prevention programs of demonstrated effectiveness.

[(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $500,000 for fiscal year 1991.

[PART F—DEVELOPMENT OF EARLY CHILDHOOD EDUCATION DRUG ABUSE PREVENTION MATERIALS

[SEC. 5151. PROGRAM AUTHORIZED.

[(a) GENERAL AUTHORITY.—The Secretary shall, in consultation with the Secretary of Health and Human Services, provide for the development of age-appropriate drug abuse education and prevention curricula, programs, and training materials for use in early child development programs, and provide for the dissemination of such materials to early child development programs, including Head Start programs, preschool programs funded under chapter 1 of title I of the Elementary and Secondary Education Act of 1965, programs funded under the Education of the Handicapped Act, such other preschool programs as the Secretary deems appropriate, and to parents of children participating in such programs.

[(b) RESERVATION.—The Secretary shall, from amounts reserved under section 5112(a)(5), reserve not less than $1,000,000 to carry out the development and dissemination of the materials required by this part.

[PART G—MISCELLANEOUS PROVISIONS

[SEC. 5191. INDIAN EDUCATION PROGRAMS.

[(a) PILOT PROGRAMS.—The Assistant Secretary of Indian Affairs shall develop and implement pilot programs in selected schools funded by the Bureau of Indian Affairs (subject to the approval of the local school board or contract school board) to determine the effectiveness of summer youth programs in furthering the purposes and goals of the Indian Alcohol and Substance Abuse Prevention Act of 1986. The Assistant Secretary shall defray all costs associated with the actual operation and support of the pilot programs in the school from funds appropriated for this section. For the pilot programs there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1987, 1988, and 1989.

[(b) USE OF FUNDS.—Federal financial assistance made available to public or private schools because of the enrollment of Indian children pursuant to—

[(1) the Act of April 16, 1934, as amended by the Indian Education Assistance Act (25 U.S.C. 452 et seq.),

[(2) the Indian Elementary and Secondary School Assistance Act (20 U.S.C. 241aa et seq.), and

[(3) the Indian Education Act (20 U.S.C. 3385),

may be used to support a program of instruction relating to alcohol and substance abuse prevention and treatment.

[SEC. 5192. TRANSITION.

[Notwithstanding section 1003 of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, a State educational agency may allot funds for each of the fiscal years 1987 and 1988 to local and intermediate educational agencies and consortia under section 4124 of the Drug-Free Schools and Communities Act of 1986 on the basis of their relative numbers of children in the school-age population.

[SEC. 5193. IDENTIFICATION OF FEDERALLY ASSISTED PROGRAMS.

[Every local recipient of funds under this title shall, in any publication or public announcement, clearly identify any program assisted under this title as a Federal program funded under the Drug-Free Schools and Communities Act of 1986.]

* * * * * * *

[TITLE VII—BILINGUAL EDUCATION PROGRAMS

[SEC. 7001. SHORT TITLE.

[This title may be cited as the "Bilingual Education Act".

[SEC. 7002. POLICY; APPROPRIATIONS.

[(a) POLICY.—Recognizing—

[(1) that there are large and growing numbers of children of limited English proficiency;

[(2) that many of such children have a cultural heritage which differs from that of English proficient persons;

[(3) that the Federal Government has a special and continuing obligation to assist in providing equal educational opportunity to limited English proficient children;

[(4) that, regardless of the method of instruction, programs which serve limited English proficient students have the equally important goals of developing academic achievement and English proficiency;

[(5) that the Federal Government has a special and continuing obligation to assist language minority students to acquire the English language proficiency that will enable them to become full and productive members of society;

[(6) that the instructional use and development of a child's non-English native language promotes student self-esteem, subject matter achievement, and English-language acquisition;

[(7) that a primary means by which a child learns is through the use of such child's native language and cultural heritage;

[(8) that, therefore, large numbers of children of limited English proficiency have educational needs which can be met by the use of bilingual educational methods and techniques;

[(9) that in some school districts establishment of bilingual education programs may be administratively impractical due to the presence of small numbers of student of a particular native language or because personnel who are qualified to provide bilingual instructional services are unavailable;

[(10) that States and local school districts should be encouraged to determine appropriate curricula for limited English proficient students within their jurisdictions and to develop and implement appropriate instructional programs;

[(11) that children of limited English proficiency have a high dropout rate and low median years of education;

[(12) that the segregation of many groups of limited English proficient students remains a serious problem;

[(13 that reliance on student evaluation procedures which are inappropriate for limited English proficient students have resulted in the disproportionate representation of limited English proficient students in special education, gifted and talented, and other special programs;

[(14) that there is a serious shortage of teachers and educational personnel who are professionally trained and qualified to serve children of limited English proficiency;

[(15) that many schools fail to meet the full instructional needs of limited English proficient students who also may be handicapped or gifted and talented;

[(16) that both limited English proficient children and children whose primary language is English can benefit from bilingual education programs, and that such programs help develop our national linguistic resources and promote our international competitiveness;

[(17) that research, evaluation, and data collection capabilities in the field of bilingual education need to be strengthened so as to better identify and promote those programs and instructional practices which result in effective education;

[(18) that parent and community participation in bilingual education programs contributes to program effectiveness; and

[(19) that because of limited English proficiency, many adults are not able to participate fully in national life, and that limited English proficient parents are often not able to participate effectively in their children's education,

the Congress declares it to be the policy of the United States, in order to establish equal educational opportunity for all children and to promote educational excellence (A) to encourage the establishment and operation, where appropriate, of educational programs using bilingual educational practices, techniques, and methods, (B) to encourage the establishment of special alternative instructional programs for students of limited English proficiency in school districts where the establishment of bilingual education programs is not practicable or for other appropriate reasons, and (C) for those purposes, to provide financial assistance to local educational agencies, and, for certain related purposes, to State educational agencies, institutions of higher education, and community organizations. The programs assisted under this title include programs in elementary and secondary schools as well as related preschool and adult programs which are designed to meet the educational needs of individuals of limited English proficiency, with particular attention to children having the greatest need for such programs. Such programs shall be designed to enable students to achieve full competence in English and to meet school grade-promotion and graduation requirements. Such programs may additionally provide for the development of student competence in a second language.

[(b) AUTHORIZATION.—(1) For the purpose of carrying out the provisions of this title, there are authorized to be appropriated, subject to paragraph (6), $200,000,000 for the fiscal year 1989 and such sums as may be necessary for the fiscal year 1990 and for each succeeding fiscal year ending prior to October 1, 1993.

[(2) There are further authorized to be appropriated to carry out the provisions of section 7032, subject to paragraph (6), such sums as may be necessary for the fiscal year 1989 and each of the 4 succeeding fiscal years.

[(3) From the sums appropriated under paragraph (1) for part A for any fiscal year, the Secretary may reserve not to exceed 25 percent for special alternative instructional programs and related activities authorized under section 7021(a)(3) and may include programs under paragraphs (2), (4), (5), and (6) of section 7021(a).

[(4) From the sums appropriated under paragraph (1) for any fiscal year, the Secretary shall reserve at least 60 percent for the programs carried out under part A of this title; and of this amount, at least 75 percent shall be reserved for the programs of transitional bilingual education carried out under section 7021(a)(1), and may include programs under paragraphs (2), (4), (5), and (6) of section 7021(a).

[(5) From the sums appropriated under paragraph (1) for any fiscal year, the Secretary shall reserve at least 25 percent for training activities carried out under part C.

[(6) Notwithstanding paragraphs (1) and (2), no amount in excess of $200,000,000 may be appropriated for fiscal year 1989 to carry out the provisions of this title (including section 7032).

[(7) The reservation required by paragraph (3) shall not result in changing the terms, conditions, or negotiated levels of any grant awarded in fiscal year 1987 to which section 7021(d)(1)(A), 7021(d)(1)(C), or 7021(d)(2) applies.

[SEC. 7003. DEFINITIONS; REGULATIONS.

[(a) GENERAL RULE.—The following definitions shall apply to the terms used in this title:

[(1) The terms "limited English proficiency" and "limited English proficient" when used with reference to individuals means—

[(A) individuals who were not born in the United States or whose native language is a language other than English;

[(B) individuals who come from environments where a language other then English is dominant; and

[(C) individuals who are American Indian and Alaska Natives and who come from environments where a language other than English has had a significant impact on their level of English language proficiency;

and who, by reason thereof, have sufficient difficulty speaking, reading, writing, or understanding the English language to deny such individuals the opportunity to learn successfully in classrooms where the language of instruction is English or to participate fully in our society.

[(2) The term "native language", when used with reference to an individual of limited English proficiency, means the language normally used by such individuals, or in the case of a child, the language normally used by the parents of the child.

[(3) The term "low-income" when used with respect to a family means an annual income for such a family which does not exceed the poverty level determined pursuant to section 1005(c)(2) of this Act.

[(4)(A) The term "program of transitional bilingual education" means a program of instruction, designed for children of limited English proficiency in elementary or secondary schools, which provides, with respect to the years of study to which such program is applicable, structured English language instruction, and, to the extent necessary to allow a child to achieve competence in the English language, instruction in the child's native language. Such instruction shall incorporate the cultural heritage of such children and, of other children in American society. Such instruction shall, to the extent necessary, be in all courses or subjects of study which will allow a child to meet grade-promotion and graduation standards.

[(B) In order to prevent the segregation of children on the basis of national origin in programs of transitional bilingual education, and in order to broaden the understanding of children about languages and cultural heritages other than their own, a program of transitional bilingual education may include the participation of children whose language is English, but in no event shall the percentage of such children exceed 40 percent. The program may provide for centralization of teacher training and curriculum development, but it shall serve such children in the schools which they normally attend.

[(C) In such courses or subjects of study as art, music, and physical education, a program of transitional bilingual education shall make provision for the participation of children of limited English proficiency in regular classes.

[(D) Children enrolled in a program of transitional bilingual education shall, if graded classes are used, be placed, to the extent practicable, in classes with children of approximately the same age and level of educational attainment. If children of significantly varying ages or levels of educational attainment are placed in the same class, the program of transitional bilingual education shall seek to insure that each child is provided with instruction which is appropriate for such child's level of educational attainment.

[(5)(A) The term "program of developmental bilingual education" means a full-time program of instruction in elementary and secondary schools which provides, with respect to the years of study to which such program is applicable structured English language instruction and instruction in a second language. Such programs shall be designed to help children achieve competence in English and a second language, while mastering subject matter skills. Such instruction shall, to the extent necessary, be in all courses or subjects of study which will allow a child to meet grade-promotion and graduation standards.

[(B) Where possible, classes in programs of developmental bilingual education shall be comprised of approximately equal numbers of students whose native language is English and limited English proficient students whose native language is the second language of instruction and study in the program.

[(6) The term "special alternative instructional programs" means programs of instruction designed for children of limited English proficiency in elementary and secondary schools. Such programs are not transitional or developmental bilingual education programs, but have specially designed curricula and are appropriate for the particular linguistic and instructional needs of the children enrolled. Such programs shall provide with respect to the years of study to which such program is applicable, structured English language instruction and special instructional services which will allow a child to achieve competence in the English language and to meet grade-promotion and graduation standards.

[(7) The term "family English literacy program" means a program of instruction designed to help limited English proficient adults and our-of-school youth achieve competence in the English language. Such programs of instruction may be conducted exclusively in English or in English and the student's native language. Where appropriate, such progrms may include instruction on how parents and family members can facilitate the educational achievement of limited English proficiency children. To the extent feasible, preference for participation in such programs shall be accorded to the parents and immediate family members of children enrolled in programs assisted under this title. Such programs of instruction may include instruction designed to enable aliens who are otherwise eligible for temporary resident status under section 245A of the Immigration and Nationality Act to achieve a minimal understanding of ordinary English and a knowledge and understanding of history and government of the United States as required by section 312 of such Act.

[(8) The term "programs of academic excellence" means programs of transitional bilingual education, developmental bilingual education, or special alternative instruction (A) which have an established record of providing effective, academically excellent instruction; and (B) which—

[(i) can be used as models for effective schools for limited English proficient students to facilitate the dissemination and use of effective teaching practices for limited English proficient students; or

[(ii) which are designed to serve as models of exemplary bilingual education programs and to facilitate the dissemination of effective bilingual educational practices.

[(9) The term "Office" means the Office of Bilingual Education and Minority Languages Affairs.

[(10) The term "Director" means the Director of the Office of Bilingual Education and Minority Languages Affairs.

[(11) The term "Secretary" means the Secretary of Education.

[(12) The term "other programs for persons of limited English proficiency" when used in this title means any programs within the Department of Education directly involving bilingual education activities serving persons of limited English proficiency, such as the programs carried out in coordination with the provisions of this title pursuant to part E of title IV of the Carl D. Perkins Vocational Education Act, and section 306(b)(11) of the Adult Education Act, and programs and project serving individuals of limited English proficiency pursuant to section 6(b)(4) of the Library Services and Construction Act.

[(b) REGULATION REQUIREMENT.—(1) In prescribing regulations under this title, the Secretary shall consult with State and local educational agencies, organizations representing persons of limited English proficiency, and organizations representing teachers and other personnel involved in bilingual education.

[(2) The Secretary shall not prescribe under this title any regulations further defining the terms defined in subsection (a), or any regulations restricting or expanding the definitions set out in subsection (a).

[(c) SPECIAL INFORMATION RULE.—Parents of children participating in programs assisted under this title shall be informed of the instructional goals of the program and the progress of their children in such program. Every effort shall be made to provide the information to parents pursuant to this subsection in a language and form the parents understand.

[PART A—FINANCIAL ASSISTANCE FOR BILINGUAL EDUCATION PROGRAMS

[SEC. 7021 BILINGUAL EDUCATION PROGRAMS.

[(a) USES OF FUNDS.—Funds available for grants under this part shall be used for the establishment, operation, and improvement of—

[(1) programs of transitional bilingual education;

[(2) programs of developmental bilingual education;

[(3) special alternative instructional program for students of limited English proficiency;

[(4) programs of academic excellence;

[(5) family English literacy programs; and

[(6) bilingual preschool, special education, and gifted and talented programs preparatory or supplementary to programs such as those assisted under this Act.

Programs under this subsection may use available funds to provide technology-based instruction to students in order to enhance the program.

[(b) APPLICATIONS.—(1) A grant may be made under subsection (a)(1), (a)(2), or (a)(3), of this section only upon application thereof by 1 or more local educational agencies or by institutions of higher education, including junior or community colleges, applying jointly with 1 or more local educational agencies.

[(2) A grant may be made under subsection (a)(4), (a)(5), or (a)(6) only upon application by one or more local educational agencies; institutions of higher education, including junior or community colleges; or private nonprofit organizations, applying separately or jointly.

[(c) CONTENT OF APPLICATION.—Any application for a grant authorized under subsection (a) of this section shall be made to the Secretary at such time, and in such manner, as the Secretary considers appropriate.

[(2) Applications for grants authorized under subsections (a)(1), (a)(2), and (a)(3) of this section shall contain information regarding—

[(A) the number of children enrolled in programs conducted by the local educational agency;

[(B) the number of children residing in the area served by the local educational agency who are enrolled in private schools;

[(C)(i) the number of children enrolled in public and private schools in the area served by the local educational agency who are limited in their English proficiency; (ii) the method used by the applicant to make this determination; and (iii) evidence of the educational condition of the limited English proficient students, such are reading, mathematics, and subject matter test scores, and, where available, data on grade retention rates and student dropout rates;

[(D) the number of limited English proficient children who are enrolled in instructional programs specifically designed to meet their educational needs, as well as descriptions of such programs;

[(E) the number of limited English proficient children enrolled in public or private schools in the area served by the local educational agency who need or could benefit from education programs such as those assisted under this title;

[(F) the number of children who are to receive instruction through the proposed program and the extent of their educational needs;

[(G) a statement of the applicant's ability to serve children of limited English proficiency, including an assessment of the qualifications of personnel who will participate in the proposed project and the need for further training of such personnel;

[(H) the resources needed to develop and operate or improve the proposed program;

[(I) the activities which would be undertaken under the grant, including training of educational personnel and parents, and how these activities will improve the educational attainment of students and expand the capacity of the applicant to operate programs such as those assisted under this Act when Federal assistance under this section is no longer available; and

[(J) the specific educational goals of the proposed program and how achievement of these goals will be measured.

[(3) An application for a grant under subsection (a)(3) of this section shall receive priority if the application—

[(A) describes the administrative impracticability of establishing a bilingual educational program due to the presence of a small number of students of a particular native language,

[(B) describes the unavailability of personnel qualified to provide bilingual instructional services, or

[(C) is made on behalf of a local educational agency having a small number of limited English proficient students in the schools of such agency that because of isolation or regional location is unable to obtain a native language teacher.

[(4) Applications for grants authorized under subsection (a)(4) shall contain information regarding—

[(A) the number of children served by the existing bilingual education program and evidence of their educational condition prior to enrollment in the program;

[(B) a description of the existing program as well as the educational background and linguistic competencies of program personnel;

[(C) the extent to which the program has promoted student academic achievement as indicated by objective evidence, such as improvements in language, mathematics, and subject matter test scores; grade retention rates; student dropout rates; and, where appropriate, postsecondary education and employment experiences of students;

[(D) the extent of parent involvement in and satisfaction with the existing bilingual education programs; and

[(E) how the activities carried out under the grant would utilize and promote programs of academic excellence which employ bilingual education practices, techniques, and methods.

[(5) Applications for grants authorized under subsection (a)(5) shall contain information regarding—

[(A) the number of limited English proficient parents and out-of-school family members of limited English proficient students who would be served by the English literacy program;

[(B) the activities which would be undertaken under the grant and how these activities will promote English literacy and enable parents and family members to assist in the education of limited English proficient children;

[(C) the extent to which the persons to be served by the program have been involved in its development;

[(D) applicant's prior experience and performance in providing educational programs to limited English proficient adults and out-of-school youth;

[(E) with respect to applications by a local educational agency, the extent to which limited English proficient students enrolled in the educational agency are served by programs specifically designed to meet their needs; and

[(F) with respect to other applicants, a description of how the applicant will coordinate its program with a local education agency to ensure that the program will help limited English proficient family members promote the academic progress of limited English proficient children.

[(d) DURATION OF GRANTS.—(1)(A) Grants made pursuant to subsections (a)(1), (a)(2), and (a)(3) of this section shall be for 3 years.

[(B) During the first 12 months of grants made pursuant to subsections (a)(1), (a)(2), and (a)(3) of this section, an applicant may engage exclusively in preservice activities. Such activities may include program design, materials development, staff recruitment and training, development of evaluation mechanisms and procedures, and the operation of programs to involve parents in the educational program and to enable parents and family members to assist in the education of limited English proficient children.

[(C) Upon reapplication, grants authorized under subsections (a) (1), (2), and (3) of this section shall be renewed for 2 additional years unless the Secretary determines that—

[(i) the applicant's program does not comply with the requirements set out in this title;

[(ii) the applicant's program has not made substantial progress in achieving the specific educational goals set out in the original application; or

[(iii) there is no longer a need for the applicant's program.

[(D) Parents or legal guardians of students identified for enrollment in bilingual education programs shall be informed of (i) the reasons for the selection of their child as in need of bilingual education, (ii) the alternative educational programs that are available, and (iii) the nature of the bilingual education program and of the instructional alternatives. Parents shall also be informed that they have the option of declining enrollment of their children in such programs and shall be given an opportunity to do so if they so choose. Every effort shall be made to provide the information to parents pursuant to this subsection in a language and form the parents understand.

[(2) Grants made pursuant to subsections (a)(4), (a)(5), and (a)(6) shall be for 3 years.

[(3)(A) No student may be enrolled in a bilingual program for which a grant is made under subsection (a)(1) or (a)(3) of this section for a period of more than 3 years, except where the school in which the student is enrolled—

[(i) conducts a comprehensive evaluation of the overall academic progress of the student, and

[(ii) the results of the evaluation indicate that lack of English proficiency is impeding the academic progress of the student in meeting grade promotion and graduation standards and, in the case of a handicapped child attainment of the objective in the child's individualized education program.

Any student with respect to whom the requirements of this paragraph are met, may remain in the program for a fourth year, except as provided in division (ii) of subparagraph (B).

[(B)(i) The evaluation required by paragraph (A) shall involve teachers and school personnel familiar with the students' overall academic progress. The results of such an evaluation shall be made available to the parents of the student.

[(ii) An evaluation shall be carried out at the end of the fourth year the student is in the program described in subparagraph (A) if the student is to continue in the program for a fifth year and shall be conducted in accordance with division (i) of this subparagraph.

[(iii) Each evaluation shall indicate how the students' English language development will be addressed during the period a student is retained in the program. The students' academic program during that period shall emphasize mastery of English.

[(C) No student shall remain in a bilingual education program described in subparagraph (A) for more than 5 years.

[(D) In carrying out this title, each local educational agency, institution of higher education, and private nonprofit organization having an application approved under this section may intensify instruction for limited English proficient students throughout the regular and any supplementary program by—

[(i) expanding the educational calendar of the schools in which such student is enrolled to include programs before and after school and during the summer months;

[(ii) lowering per pupil ratios, including the use of professional and volunteer aides; and

[(iii) the application of technology to the course of instruction.

[(e) APPLICATION REQUIREMENTS.—An application for a grant authorized under subsections (a)(1), (a)(2), and (a)(3) of this section shall—

[(1) be developed in consultation with an advisory council, of which a majority shall be parents and other representatives of the children to be served in such programs, in accordance with criteria prescribed by the Secretary;

[(2) be accompanied by documentation of such consultation and by the comments which the council makes on the application;

[(3) contain assurances that, after the application has been approved,the applicant will provide for the continuing consultation with, and participation by, the committee of parents, teachers, and other interested individuals which shall be selected by and predominantly composed of parents of children participating in the program, and in the case of programs carried out in secondary schools, representatives of the secondary students to be served;

[(4) ensure applicant support for additional advisory council activities, if support is requested by the advisory council; and

[(5) include evidence that the State educational agency has been notified of the application and has been given the opportunity to offer recommendations thereon on the applicant and to the Secretary.

[(f) APPROVAL OF APPLICATIONS.—An application for a grant under subsections (a)(1), (a)(2), and (a)(3) of this section may be approved only if the Secretary determines—

[(1) that the program will use qualified personnel, including only those personnel who are proficient in the language or languages used for instruction;

[(2) that in designing the program for which application is made, the needs of the children in nonprofit private elementary and secondary schools have been taken into account through consultation with appropriate private school officials and, consistent with the number of such children enrolled in such schools in the area to be served whose educational needs are of the type and whose language and grade levels are of a similar type which the program is intended to address, after consultation with appropriate private school officials, provision has been made for the participation of such children on a basis comparable to that provided for public schoolchildren;

[(3) that the program will be evaluated in accordance with a plan that meets the requirements of section 7033 of this title;

[(4) that student evaluation and assessment procedures in the program are appropriate for limited English proficiency students, and that limited English proficient students who are handicapped are identified and served in accordance with the requirements of the Individuals with Disabilities Education Act;

[(5) that Federal funds made available for the project or activity will be used so as to supplement the level of State and local funds that, in the absence of those Federal funds, would have been expended for special programs for children of limited English proficiency and in no case to supplant such State and local funds, except that nothing in this paragraph shall—

[(A) preclude a local educational agency from using funds under this title for activities carried out under an order of a court of the United States or of any State respecting services to be provided such children, or to carry out a plan approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 with respect to services to be provided such children; or

[(B) authorize to any priority or preference to be assigned by the Secretary of the funding of the activities under this title;

[(6) that the assistance provided under the application will contribute toward building the capacity of the applicant to provide a program on a regular basis, similar to that proposed for assistance, which will be of sufficient size, scope, and quality to promise significant improvement in the education of children of limited English proficiency, and that the applicant will have the resources and commitment to continue the program when assistance under this title is reduced or no longer available;

[(7) that the applicant will provide or secure training for personnel participating, or preparing to participate, in the program which will assist them to meet State and local certification requirements and that, to the extent possible, college or university credit will be awarded for such training; and

[(8) that the provision of assistance proposed in the application is consistent with criteria established by the Secretary, after consultation with the State educational agency, for the purpose of achieving an equitable distribution of assistance under this part within the State in which the applicant is located, taking into consideration—

[(A) the geographic distribution of children of limited English proficiency;

[(B) the relative need of persons in different geographic areas within the State for the kinds of services and activities authorized under this title;

[(C) the relative ability of applicant local educational agencies within the State to provide needed services and activities; and

[(D) the relative numbers of persons from low-income families who would benefit from the applicants' programs; and

[(9) that the State educational agency has been notified of the application and has been given the opportunity to offer recommendations thereon to the applicant and to the Secretary.

[(g) Priority Consideration of Grants.—An application for a grant under subsection (a)(3) of this section may receive priority based upon the information provided by the applicant pursuant to clause (A), (B), or (C) of subsection (c)(3) of this section.

[(h) Priority for Programs Serving Underserved Children.—In the consideration of applications from local educational agencies to carry out programs authorized under this section, the Secretary shall give priority to applications from local educational agencies which are located in various geographical regions of the Nation and which propose to assist children of limited English proficiency who have historically been underserved by programs of bilingual educational, taking into consideration the relative numbers of such children in the schools of such local educational agencies and the relative need for such programs. In approving such applications, the Secretary shall, to the extent feasible, allocate funds appropriated in proportion to the geographical distribution of children of limited English proficiency throughout the Nation, with due regard for the relative ability of particular local educational agencies to carry out such programs and the relative numbers of persons from low-income families who would benefit from such programs.

[(i) Limitation on the Assignment of Students.—No action taken may involve the admission or exclusion of students to or from any federally assisted education programs merely on the basis of the surnames of such students.

[(j) Programs in Puerto Rico.—Programs authorized under this title in the Commonwealth of Puerto Rico may, notwithstanding any other provision of this title, include programs of instruction, teacher training, curriculum development, research, evaluation, and testing designed to improve the English proficiency of children, and may also make provision for serving the needs of students of limited proficiency in Spanish.

[(k) Bypass Provision.—If the Secretary determines that an applicant for assistance under this title is unable or unwilling to provide for the participation in the program for which assistance is sought of children of limited English proficiency enrolled in nonprofit, private schools, as required by subsection (f)(2) of this section, the Secretary shall—

[(1) withhold approval of such application until the applicant demonstrates that it is in compliance with those requirements; or

[(2) reduce the amount of the grant to such applicant by the amount which is required for the Secretary to arrange (such as through a contract with a nonprofit, nonsectarian agency, organization, or institution) to assess the needs of the children in the area to be served for programs of the type authorized in this title and to carry out such programs for the children.

[SEC. 7022. INDIAN CHILDREN IN SCHOOLS.

[(a) Eligible Entities.—For the purpose of carrying out programs under this title for individuals served by elementary, secondary, or postsecondary schools operated predominantly for Indian or Alaskan Native children, an Indian tribe or a tribally sanctioned educational authority may be considered to be a local educational agency as such term is used in this title, subject to the following qualifications:

[(1) The term "Indian tribe" means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaskan Native Claims Settlement Act (85 Stat. 688) which is recognized for the special programs and services provided by the United States to Indians because of their status as Indians.

[(2) The term "tribally sanctioned educational authority" means any department or division of education operating within the administrative structure of the duly constituted governing body of an Indian tribe, as well as any nonprofit institution or organization which is chartered by the governing body of an Indian tribe to operate any such school or otherwise to oversee delivery of educational services to members of that tribe and which is approved by the Secretary for the purposes of this section.

[(b) Bureau of Indian Affairs Schools.—From the sums appropriated pursuant to section 7002(b), the Secretary is authorized to make payments to the applicants to carry out programs of bilingual education for Indian children on reservations served by elementary and secondary schools operated or funded by the Bureau of Indian Affairs.

[(c) Annual Report.—The Assistant Secretary of the Interior for the Bureau of Indian Affairs shall submit to the Congress, the President, and the Secretary by September 30 of each year an annual report which provides—

[(1) an assessment of the needs of the Indian children with respect to the purposes of this title in schools operated or funded by the Department of the Interior, including those tribes and local educational agencies receiving assistance under the Johnson-O'Malley Act (25 U.S.C. 452 et seq.); and

[(2) an assessment of the extent to which such needs are being met by funds provided to such schools for educational purposes through the Secretary of the Interior.

[PART B—DATA COLLECTION, EVALUATION, AND RESEARCH

[SEC. 7031. USE OF FUNDS.

[(Funds available under this part shall be used for (1) collecting data on the number of limited English proficient persons and the educational services available to such persons, (2) evaluating the operation and effectiveness of programs assisted under this title, (3) conducting research to improve the effectiveness of bilingual education programs, and (4) collecting, analyzing, and disseminating data and information on bilingual education.

[SEC. 7032. GRANTS FOR STATE PROGRAMS.

[(a) Data Collection and Dissemination.—Upon application from a State educational agency, the Secretary shall make provision for the submission and approval of a State program for the collection, aggregation, analysis, and publication of data and information on the State's population of limited English proficient persons and the educational services provided or available to such persons.

[(b) Report to Secretary.—State programs under this part shall provide for the annual submission of a report to the Secretary containing data and information on such matters as the Secretary shall, by regulation, determine necessary and proper to achieve the purposes of this title, including the matters specified in section 7021(c)(2). Such reports shall be in such form and shall be submitted on such date as the Secretary shall specify by regulation. State programs shall provide for the dissemination of information regarding these matters to the public, and particularly to persons of limited English proficiency.

[(c) Other Uses of Funds.—State programs authorized under this section may also provide for—

[(1) the planning and development of educational programs such as those assisted under this title;

[(2) the review and evaluation of programs of bilingual education, including bilingual education programs that are not funded under this title;

[(3) the provision, coordination, or supervision of technical and other forms of nonfinancial assistance to local educational agencies, community organizations, and private elementary and secondary schools that serve limited English proficient persons;

[(4) the development and administration of instruments and procedures for the assessment of the educational needs and competencies of persons of limited English proficiency;

[(5) the training of State and local educational agency staff to carry out the purposes of this title; and

[(6) other activities and services designed to build the capacity of State and local educational agencies to serve the educational needs of persons of limited English proficiency.

[(d) PAYMENTS.—Except as provided in the second sentence of this subparagraph, the Secretary shall pay from the amounts appropriated for the purposes of this section pursuant to section 7002(b)(2) for each fiscal year to each State educational agency which has a State program submitted and approved under subsection (a) of this section such sums as may be necessary for the proper and efficient conduct of such State program. The amount paid by the Secretary to any State educational agency under the preceding sentence for any fiscal year may not be less than $75,000 nor greater than 5 percent of the aggregate of the amounts paid under section 7021 for programs within such State in the fiscal year preceding the fiscal year to which this limitation applies.

[(e) SUPPLEMENT NOT SUPPLANT.—Funds made available under this section for any fiscal year shall be used by the State educational agency to supplement and, to the extent practical, to increase the level of funds that would, in the absence of such funds, be made available by the State for the purposes described in this section, and in no case to supplant such funds.

[SEC. 7033. PROGRAM EVALUATION REQUIREMENTS.

[The Secretary shall issue, within 6 months of the date of enactment of this section, regulations which set forth a comprehensive design for evaluating the programs assisted under part A of this title. Such regulations shall be developed by the Director in consultation with State directors of bilingual education programs, the evaluation assistance centers authorized in section 7034, and individuals and organizations with expertise in testing and evaluation of educational programs for children of limited English proficiency. Such regulations shall provide for the collection of information and data including—

[(1) the educational background, needs, and competencies of the limited English proficient persons served by the program;

[(2) the specific educational activities undertaken pursuant to the program; the pedagogical materials, methods, and techniques utilized in the program; and with respect to classroom activities, the relative amount of instructional time spent with students on specified tasks;

[(3) the educational and professional qualifications, including language competencies, of the staff responsible for planning and operating the program;

[(4) the specific activities undertaken to improve prereferral, evaluation procedures and instructional programs for limited

English proficient children who may be handicapped or gifted and talented; and

[(5) the extent of educational progress achieved through the program measured, a appropriate, by (A) tests of academic achievement in English language arts, and where appropriate, second language arts; (B) tests of academic achievement in subject matter areas; and (C) changes in the rate of student grade-retention, dropout, absenteeism, placement in programs for the gifted and talented, and enrollment in postsecondary education institutions.

[SEC. 7034. EVALUATION ASSISTANCE CENTERS.

[The Secretary shall establish, through competitive grants to institutions of higher education, at least 2 evaluation assistance centers. Such centers shall provide, upon the request of State or local educational agencies, technical assistance regarding methods and techniques for identifying the educational needs and competencies of limited English proficient persons and assessing the educational progress achieved through programs such as those assisted under this title. Grants made pursuant to this section shall be for a period of 3 years.

[SEC. 7035. RESEARCH.

[(a) Research and Development.—The Secretary shall, through competitive contracts under this section, provide financial assistance for research and development proposals submitted by institutions of higher education, private for-profit and nonprofit organizations, State and local educational agencies, and individuals.

[(b) Authorized Activities.—Research activities authorized to be assisted under this section shall include—

[(1) studies to determine and evaluate effective models for bilingual education programs;

[(2) studies which examine the process by which individuals acquire a second language and master the subject matter skills required for grade-promotion and graduation, and which identify effective methods for teaching English and subject matter skills within the context of a bilingual education program or special alternative instructional program to students who have language proficiencies other than English;

[(3) longitudinal studies to measure the effect of this title on students enrolled in title VII programs (including a longitudinal study of the impact of bilingual education programs on limited-English proficient students using a nationally representative sample of the programs funded under this title and which provides information including data on grade retention, academic performance, and dropout rates);

[(4) studies to determine effective and reliable methods for identifying students who are entitled to services under this title and for determining when their English language proficiency is sufficiently well developed to permit them to derive optimal benefits from an all-English instructional program;

[(5) the operation of a clearinghouse which shall collect, analyze, and disseminate information about bilingual education and related programs (and coordinate its activities with the National Diffusion Network);

[(6) studies to determine effective methods of teaching English to adults who have language proficiencies other than English;

[(7) studies to determine and evaluate effective methods of instruction for bilingual programs, taking into account language and cultural differences among students;

[(8) studies to determine effective approaches to preservice and inservice training for teachers, taking into account the language and cultural differences of their students;

[(9) studies to determine effective and reliable techniques for providing bilingual education to handicapped students;

[(10) studies to determine effective and reliable methods for identifying gifted and talented students who have language proficiencies other than English; and

[(11) the effect of this title on the capacity of local educational agencies to operate bilingual programs following the termination of assistance under this title.

[(c) Consultation and Delegation of Authority.—In carrying out the responsibilities of this section, the Secretary may delegate authority to the Director, and in any event, shall consult with the Director, representatives of State and local educational agencies, appropriate groups and organizations involved in bilingual education, the Committee on Labor and Human Resources of the Senate, and the Committee on Education and Labor of the House of Representatives.

[(d) Publication of Proposals.—The Secretary shall publish and disseminate all requests for proposals in research and development assisted under this title.

[(e) Limitation of Authority.—Nothing in this title shall be construed as authorizing the Secretary to conduct or support studies or analyses of the content of educational textbooks.

[SEC. 7036. COORDINATION OF RESEARCH.

[Notwithstanding section 405(b)(1) of the General Education Provisions Act, the Assistant Secretary for Educational Research and Improvement shall consult with the Director, the Committee on Labor and Human Resources of the Senate, and the Committee on Education and Labor of the House of Representatives to ensure that research activities undertaken pursuant to section 405(b)(2)(C) of the General Education Provisions Act complement and do not duplicate the activities conducted pursuant to this part.

[SEC. 7037. EDUCATION STATISTICS.

[(a) Data Collection.—Notwithstanding section 406 of the General Education Provisions Act, the National Center for Education Statistics shall collect and publish, as part of its annual report on the condition of education, data for States, the Commonwealth of Puerto Rico, and the trust territories with respect to the population of limited English proficient persons, the special educational services and programs available to limited English proficient persons, and the availability of educational personnel qualified to provide special educational services and programs to limited English proficient persons.

[(b) Use of Data.—In carrying out its responsibilities under this section, the National Center for Education Statistics shall utilize, to the extent feasible, data submitted to the Department of Education by State and local educational agencies and institutions of higher education pursuant to the provisions of this title as well as data collected on limited English proficient persons by other Federal agencies.

[PART C—TRAINING AND TECHNICAL ASSISTANCE

[SEC. 7041. USE OF FUNDS.

[(a) Use of Funds.—Funds available under this part shall be used for—

[(1) the establishment, operation, and improvement of training programs for educational personnel preparing to participate in, or personnel participating in, the conduct of programs of bilingual education or special alternative instructional programs for limited English proficient students, which shall emphasize opportunities for career development, advancement, and lateral mobility, and may provide training to teachers, administrators, counselors, paraprofessionals, teacher aides, and parents;

[(2) the training of persons to teach and counsel such persons;

[(3) the encouragement of reform, innovation, and improvement in applicable education curricula in graduate education, in the structure of the academic profession, and in recruitment and retention of higher education and graduate school faculties, as related to bilingual education;

[(4) the operation of short-term training institutes designed to improve the skills of participants in programs of bilingual education or special alternative instructional programs for limited English proficient students; which may include summer programs designed to improve the instructional competence of educational personnel in the languages used in the program; and

[(5) the provision of inservice training and technical assistance to parents and educational personnel participating in, or preparing to participate in, bilingual education programs or special alternative instructional programs for limited English proficient students.

[(b) Applications.—(1) A grant or contract may be made under subsection (a)(1), (a)(2) or (a)(3) of this section upon application of an institution of higher education.

[(2) A grant or contract may be made under subsection (a)(4) of this section upon application of (A) institutions of higher education (including junior colleges and community colleges) and private for-profit or nonprofit organizations which apply, after consultation with, or jointly with, one or more local educational agencies or a State educational agency; (B) local educational agencies; or (C) a State educational agency.

[(3) A grant or contract may be made under subsection (a)(5) of this section upon application of (A) institutions of higher education (including junior colleges and community colleges), (B) private for-profit or nonprofit organizations, or (C) a State educational agency.

[(c) Application Requirement for Training Programs.—An application for a grant or contract for preservice or inservice training activities described in subsection (a)(1) of this section shall be developed in consultation with an advisory council composed of representatives of State and local educational agencies within the applicant's service area or geographic region which operate programs of bilingual education or special alternative instruction for limited English proficient students.

[(d) TRAINING PROGRAM REQUIREMENTS.—A preservice or inservice training program funded under subsection (a)(1) shall assist educational personnel in meeting State and local certification requirements, and, whenever possible, should award college or university credit.

[(e) PREFERENCE IN ASSISTANCE AND PURPOSE OF TRAINING.—(1) In making a grant or contract for preservice training programs described in subsection (a)(1) of this section, the Secretary shall give preference to programs which contain coursework in—

[(A) teaching English as a second language;

[(B) use of a non-English language for instructional purposes;

[(C) linguistics; and

[(D) evaluation and assessment;

and which involve parents in the educational process.

[(2) Preservice training programs shall be designed to ensure that participants become proficient in English and a second language of instruction.

[SEC. 7042. MULTIFUNCTIONAL RESOURCE CENTERS.

[(a) ESTABLISHMENT.—Pursuant to subsection (a)(5) of section 7041, the Secretary shall establish, through competitive grants or contracts, at least 16 multifunctional resource centers (hereinafter in this section referred to as "centers"). Grants and contracts shall be awarded with consideration given to the geographic and linguistic distribution of children of limited English proficiency.

[(b) REQUIRED SERVICES.—In addition to providing technical assistance and training to persons participating in or preparing to participate in bilingual education programs or special alternative instructional programs for limited English proficient students, each center shall be responsible for gathering and providing information to other centers on a particular area of bilingual education, including (but not limited to) bilingual special education, bilingual education for gifted and talented limited English proficient students, bilingual vocational education, bilingual adult education, bilingual education program administration, literacy, education technology in bilingual programs, mathematics and science education in bilingual programs, counseling limited English proficient students, and career education programs for limited English proficient students.

[SEC. 7043. FELLOWSHIPS.

[(a) AUTHORIZATION.—Pursuant to subsection (a)(2) of section 7041, the Secretary is authorized to award fellowships for advanced study of bilingual education or special alternative instructional programs for limited English proficient students in such areas as teacher training, program administration, research and evaluation, and curriculum development. For fiscal year 1989 and each of the 4 subsequent fiscal years not less than 500 fellowships leading to a masters or doctorate degree shall be awarded under the preceding sentence. Such fellowships shall be awarded, to the extent feasible, in proportion to the needs of various groups of individuals with limited English proficiency. In awarding fellowships, the Secretary shall give preference to individuals intending to study bilingual education or special alternative instructional programs for limited English proficient students in the following specialized areas: vocational education, adult education, gifted and talented education, special education, education technology, literacy, and mathematics and science education. The Secretary shall include information on the operation of the fellowship program in the report required under section 7051(c) of this title.

[(b) FELLOWSHIP REQUIREMENTS.—Any person receiving a fellowship under this section shall agree either to repay such assistance or to work for a period equivalent to the period of time during which such person received assistance, and such work shall be in an activity related to programs and activities such as those authorized under this Act. The Secretary may waive this requirement in extraordinary circumstances.

[SEC. 7044. PRIORITY.

[In making grants or contracts under this part, the Secretary shall give priority to eligible applicants with demonstrated competence and experience in programs and activities such as those authorized under this Act.

[SEC. 7045. STIPENDS.

[In the terms of any arrangement described in this part, the Secretary shall provide for the payment, to persons participating in training programs as described, of such stipends (including allowances for subsistence and other expenses for such persons and their dependents) as the Secretary may determine to be consistent with prevailing practices under comparable federally supported programs.

[PART D—ADMINISTRATION

[SEC. 7051. OFFICE OF BILINGUAL EDUCATION AND MINORITY LANGUAGES AFFAIRS.

[(a) ESTABLISHMENT.—There shall be, in the Department of Education, an Office of Bilingual Education and Minority Languages Affairs (hereafter in this section referred to as the "Office") through which the Secretary shall carry out functions relating to bilingual education.

[(b) DIRECTOR.—(1) The Office shall be headed by a Director of Bilingual Education and Minority Languages Affairs, appointed by the Secretary, to whom the Secretary shall delegate all delegable functions relating to bilingual education. The Director shall also be assigned responsibility for coordinating the bilingual education aspects of other programs administered by the Secretary.

[(2) The Office shall be organized as the Director determines to be appropriate in order to enable the Director to carry out such functions and responsibilities effectively, except that there shall be a division, within the Office, which is exclusively responsible for the collection, aggregation, analysis, and publication of data and information on the operation and effectiveness of programs assisted under this title.

[(3) The Director shall prepare and, not later than February 1 of each year, shall submit to Congress and the President a report on—

[(A) the grants and contracts made pursuant to this title in the preceding fiscal year;

[(B) the number of individuals benefiting from the programs assisted under this title;

[(C) the evaluation of activities carried out under this title during the preceding 2 fiscal years and the extent to which each of such activities achieves the policy set forth in section 7022(a);

[(D) an estimate of the number of fellowships in the field of training teachers for bilingual education which will be necessary for the 2 succeeding fiscal years; and

[(E) the research activities carried out under such title during the preceding 2 fiscal years and the major findings of research studies.

[(c) Coordination With Related Programs.—In order to maximize Federal efforts aimed at serving the educational needs of children of limited English proficiency, the Secretary shall coordinate and ensure close cooperation with other programs administered by the Department of Education, including such areas as teacher training, program content, research, and curriculum. The Secretary's report under section 6213 of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 shall include demonstration that such coordination has taken place.

[(d) Staffing Requirement.—The Secretary shall ensure that the Office of Bilingual Education and Minority Language Affairs is staffed with sufficient personnel trained, or with experience in, bilingual education to discharge effectively the provisions of this title.

[(e) Reading and Scoring Applications.—For the purpose of reading and scoring applications for competitive grants authorized under parts A and C of this title, the Secretary shall use persons who are not otherwise employed by the Federal Government and who are experienced and involved in educational programs similar to those assisted under parts A and C of this title. The Secretary shall solicit nominations for application readers from State directors of bilingual education and may use funds appropriated for parts A and C of this title to pay for the application reading and scoring services required by this provision.

[SEC. 7052. LIMITATION OF AUTHORITY.

[The Secretary shall not impose restrictions on the availability or use of funds authorized under this title other than those set out in this title or other applicable Federal statutes and regulations.

[PART E—TRANSITION

[SEC. 7063. TRANSITION.

[This title shall not apply to grants and contracts entered into under the Bilingual Education Act as in effect before October 1, 1988.

TITLE I—HELPING CHILDREN IN NEED MEET HIGH STANDARDS

SEC. 1001. DECLARATION OF POLICY AND STATEMENT OF PURPOSE.

(a) STATEMENT OF POLICY.—

(1) IN GENERAL.—The Congress declares it to be the policy of the United States that a high-quality education for all individuals and a fair and equal opportunity to obtain that education are a societal good, are a moral imperative, and improve the life of every individual, because the quality of our individual lives ultimately depends on the quality of the lives of others.

(2) ADDITIONAL POLICY.—The Congress further declares it to be the policy of the United States to expand the program authorized by this title over the fiscal years 1995 through 1999 by increasing funding for this title by at least $750,000,000 over baseline each fiscal year and thereby increasing the percentage of eligible children served in each fiscal year with the intent of serving all eligible children by fiscal year 2004.

(b) RECOGNITION OF NEED.—The Congress recognizes that—

(1) although the achievement gap between disadvantaged children and other children has been reduced by half over the past two decades, a sizable gap remains, and many segments of our society lack the opportunity to become well educated;

(2) the most urgent need for educational improvement is in schools with high concentrations of children from low-income families and achieving the National Education Goals will not be possible without substantial improvement in such schools;

(3) educational needs are particularly great for low-achieving children in our Nation's highest-poverty schools, children with limited-English proficiency, children of migrant workers, children with disabilities, Indian children, children who are neglected or delinquent, and young children and their parents who are in need of family-literacy services; and

(4) in order for all students to master challenging standards in core academic subjects as described in the third National Education Goal described in section 102(3) of the Goals 2000: Educate America Act, students and schools will need to maximize the time spent on teaching and learning the core academic subjects, and students who receive pullout instruction at the expense of core academic subject learning time can fall further behind in learning the core academic subjects.

(c) WHAT HAS BEEN LEARNED SINCE 1988.—To enable schools to provide all children a high-quality education, this title builds upon the following learned information:

(1) All children can master challenging content and complex problem-solving skills. Research clearly shows that children, including low-achieving children, can succeed when expectations are high and all children are given the opportunity to learn challenging material.

(2) Piecemeal reform, particularly when not tied to an overall vision of teaching to, and helping all children reach, high standards does not work.

(3) Use of low-level tests that are not aligned with schools' curricula fails to provide adequate information about what children know and can do and encourages curricula and instruction that focus on low-level skills measured by those tests.

(4) Resources are effective when children have full access to quality regular school programs and receive supplemental help through extended-time activities.

(5) Intensive and sustained professional development for teachers and other school staff, focused on teaching and learning and on helping children attain high standards, is too often not provided.

(6) All parents can contribute to their children's success by helping at home and becoming partners with teachers so that children can achieve high standards.

(7) Decentralized decisionmaking is a key ingredient of systemic reform. Schools need the resources, flexibility, and authority to design and implement effective strategies for bringing their children to high levels of performance.

(8) Opportunities for students to achieve to high standards can be enhanced through a variety of approaches such as public school choice and charter schools.

(9) Attention to academics alone cannot ensure that all children will reach high standards. The health and other needs of children that affect learning are frequently unmet, particularly in high-poverty schools, thereby necessitating coordination of services to better meet children's needs.

(10) Resources provided under this title have not been adequately targeted on the highest-poverty school districts and schools that have children most in need.

(11) Equitable and sufficient resources, particularly as such resources relate to the quality of the teaching force, have an integral relationship to high student achievement.

(d) STATEMENT OF PURPOSE.—The purpose of this title is to enable schools to provide opportunities for children served to acquire the same basic and advanced skills and knowledge as children not served under this title. This purpose shall be accomplished by—

(1) ensuring high standards and aligning the efforts of States, local educational agencies, and schools to help children served under this title to reach such standards;

(2) providing children an enriched and accelerated educational program, including, when appropriate, the use of the arts and humanities, through schoolwide programs or through additional services that increase the amount and quality of instructional time;

(3) promoting schoolwide reform and access of children, from the earliest grades, to effective instructional strategies and challenging academic content that support intensive complex thinking and problem-solving experiences;

(4) significantly upgrading the quality of instruction by providing staff in participating schools with substantial opportunities for ongoing professional development;

(5) coordinating services under all parts of this title with each other, with other educational services, and, to the extent fea-

BEST COPY AVAILABLE

sible, with health and social service programs funded from other sources;

(6) affording parents meaningful opportunities to participate in the education of their children at home and at school;

(7) distributing resources, in amounts sufficient to make a difference, to areas where needs are greatest;

(8) improving accountability, as well as teaching and learning, by using State assessment systems designed to measure how well children served under this title are achieving high State student performance standards expected of all children;

(9) providing greater decisionmaking authority and flexibility to schools in exchange for greater responsibility for student performance; and

(10) encouraging the development of innovative models for recruitment, induction, retention, and assessment of new, highly qualified teachers, especially such teachers from historically underrepresented groups.

SEC. 1002. AUTHORIZATION OF APPROPRIATIONS.

(a) LOCAL EDUCATIONAL AGENCY GRANTS.—For the purpose of carrying out part A of this title, other than section 1117(e), there are authorized to be appropriated $7,500,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

(b) EVEN START.—For the purpose of carrying out part B, there are authorized to be appropriated $120,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

(c) EDUCATION OF MIGRATORY CHILDREN.—For the purpose of carrying out part C, there are authorized to be appropriated $310,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

(d) EDUCATION FOR NEGLECTED OR DELINQUENT YOUTH.—For the purpose of carrying out part D, there are authorized to be appropriated $40,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

(e) CAPITAL EXPENSES.—For the purpose of carrying out section 1117(e), there are authorized to be appropriated $45,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

(f) FEDERAL ACTIVITIES.—

(1) SECTION 1601.—For the purpose of carrying out section 1601, there are authorized to be appropriated $10,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

(2) SECTION 1602.—For the purpose of carrying out section 1602, there are authorized to be appropriated $20,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

PART A—MAKING HIGH-POVERTY SCHOOLS WORK

Subpart 1—Basic Program Requirements

SEC. 1111. STATE PLANS.

(a) Plans Required.—

(1) In general.—Any State desiring to receive a grant under this part shall submit to the Secretary a plan, developed in consultation with local educational agencies, teachers, pupil services personnel, administrators, other staff, and parents, that satisfies the requirements of this section.

(2) Consolidation plan.—A State plan submitted under paragraph (1) may be submitted as part of a consolidation plan under section 10302.

(b) Standards and Assessment Provisions.—

(1) In general.—(A) Each State plan shall describe—

(i) the high-quality academic standards for all children that will be used by the State, its local educational agencies, and its schools in subjects, as determined by the State, to carry out this part, and for those subjects for which a State does not have standards and students are served under this part, describe a process for ensuring that such students are taught the same knowledge and skills and held to the same expectations as all children; and

(ii)(I) two levels of high performance, proficient and advanced, that determine how well children are mastering the material in the State content standards; and

(II) a third level, partially proficient, to provide complete information about the progress of the lower-performing children toward achieving to the proficient and advanced levels of performance.

(iii) the steps the State will take to help each local educational agency and school affected by the plan develop the capacity to comply with each of the requirements of section 1112(c)(3), 1114(b), and 115(c) that is applicable to such agency or school.

(B) If a State has State content standards or State student performance standards developed under title III of the Goals 2000: Educate America Act or an aligned set of assessments for all students developed under such title, or if not developed under such title, adopted under another process, the State shall use those standards and assessments, modified, if necessary, to conform with the requirements of paragraphs (1)(A)(i), (2), and (3).

(C) If a State has not adopted State content standards and State student performance standards for all students, the State plan shall include a strategy for developing State content standards and State student performance standards for elementary and secondary school children served under this part in subjects as determined by the State, including at least mathematics, and reading or language arts, which standards shall include the same knowledge, skills, and levels of performance

expected of all children and for those subjects for which a State does not have standards and students are served under this part, include a strategy for developing a process for ensuring that such students are taught the same knowledge and skills and held to the same expectations as all children.

(2) ADEQUATE YEARLY PROGRESS.—(A) Each State plan shall include a description, based on assessments described under paragraph (3), of what constitutes adequate yearly progress of—

(i) any school served under this part toward enabling all children to meet the State's student performance standards; and

(ii) any local educational agency that receives funds under this part toward enabling all children within its jurisdiction to meet the State's student performance standards.

(B) Adequate yearly progress under this paragraph shall be defined in a manner that results in continuous and substantial yearly improvement of each local educational agency and school sufficient to achieve the goal of all children served under this part meeting the State's advanced level of performance, particularly eligible children described in section 1115(b).

(3) ASSESSMENTS.—Each State plan shall include a description of the set of high-quality, yearly student assessments, including at least one assessment in one grade in each school, that will be used as the primary means of determining the yearly performance of each local educational agency and school served under this part in enabling all children served under this part to meet the State's student performance standards. Such assessments shall—

(A) be the same assessments used to measure the performance of all children, if the State measures the performance of all children;

(B) be aligned with such State's content standards in subjects for which the State has developed standards in accordance with subparagraph (A) or (C) of paragraph (1);

(C) involve multiple measures of student performance, including measures that assess higher order thinking skills and understanding;

(D) provide for—

(i) the participation in such assessments of all students with diverse learning needs; and

(ii) the adaptations and accommodations necessary to permit such participation;

(E) be used for the purposes for which they are valid and reliable and be consistent with relevant, nationally recognized professional and technical standards for such assessments, except that assessment measures that do not satisfy the requirements of this subparagraph may be included as one of the multiple measures;

(F) be capable of providing coherent information about student attainments relative to the State content standards;

(G) support effective curriculum and instruction;

(H) provide individual student reports;

(I) provide statistically reliable results for economically disadvantaged children disaggregated by gender, major ethnic or racial groups, limited-English proficient children, children with disabilities, and other educationally meaningful categories of children; and

(J) include students who have resided in the area served by a local educational agency for a full academic year but have not attended a single school served by such agency for a full academic year, except that the performance of students who have attended more than one school in the local educational agency in any academic year shall be used only in determining the progress of the local educational agency, unless the State provides otherwise.

(4) OTHER INDICATORS.—Each State plan may include a description of any other indicators, such as rates of attendance, graduation, and school-to-work or school-to-college transition, that will be used in addition to the assessments required by paragraph (3) in determining the yearly performance of each local educational agency and school served under this part.

(5) TRANSITIONAL STATEWIDE ASSESSMENTS.—(A)(i) If a State does not have State content standards and State student performance standards that meet the requirements of paragraph (1) or assessments that meet the requirements of paragraph (3), the State may propose to use, for a transitional period of not more than two years, a transitional statewide set of yearly assessments that measure the performance of complex skills and challenging subject matter.

(ii) Each State using the transitional assessments described in clause (i) shall develop benchmarks of progress toward the development of assessments that meet the requirements of paragraph (3), including periodic updates.

(B)(i) The Secretary may extend for one year and subsequently renew the extension for one additional year the use of the transitional assessments described in subparagraph (A) upon the request of a State and a showing of substantial progress toward meeting the requirements of paragraphs (1) and (3), particularly paragraph (3)(C).

(ii) A State that is denied the one-year extension or renewal under clause (i) or is granted such an extension or renewal, but after one or two additional years does not have State content standards and State student performance standards that meet the requirements of paragraph (1) or assessments that meet the requirements of paragraph (3), shall adopt a set of such standards and aligned assessments, such as those contained in other State plans the Secretary has approved.

(C) For any year during which a State is using transitional assessments the State shall devise a procedure for identifying local educational agencies under subsections (c)(3) and (c)(7) of section 1118 and schools under subsections (b)(1) and (b)(6) of section 1118 that relies on accurate information about the academic progress of each such local educational agency and school.

(c) OTHER PROVISIONS TO SUPPORT TEACHING AND LEARNING.—Each State plan shall contain assurances that—

(1) the State educational agency will implement a system of school support teams under section 1119(b), including provision of necessary professional development for those teams;

(2) the State educational agency will provide the least restrictive and burdensome regulations for local educational agencies and individual schools participating in a program assisted under this part;

(3) the State educational agency will fulfill its local educational agency and school improvement responsibilities under section 1118; and

(4) the State educational agency will encourage the use of funds from other Federal, State, and local sources for schoolwide reform in schoolwide programs under section 1114.

(d) PEER REVIEW AND SECRETARIAL APPROVAL.—

(1) IN GENERAL.—The Secretary shall—

(A) establish a peer review process to assist in the review and recommendations for revision of State plans;

(B) following an initial peer review, approve a State plan the Secretary determines meets the requirements of subsections (b) and (c); and

(C) if the Secretary determines that the State plan does not meet the requirements of subsection (b) or (c), immediately notify the State of that determination and the reasons for such determination;

(D) not finally disapprove a State's plan before offering the State an opportunity to revise its plan and provide technical assistance to assist the State to meet the requirements of subsections (b) and (c); and

(E) not require a State, as a condition of approval of the State plan, to include in, or delete from, such plan one or more specific elements of the State's content standards or to use specific assessment instruments or items.

(2) WITHHOLDING.—The Secretary may withhold funds for State administration and activities under section 1119 until the Secretary determines that the State plan meets the requirements of this section.

(e) DURATION OF THE PLAN.—

(1) IN GENERAL.—Each State plan shall—

(A) remain in effect for the duration of the State's participation under this part; and

(B) be periodically reviewed and revised by the State, as necessary, to reflect changes in the State's strategies and programs under this part.

(2) ADDITIONAL INFORMATION.—If the State makes significant changes in its plan, such as the adoption of new State content standards and State student performance standards, new assessments, or a new definition of adequate progress, the State shall submit such information to the Secretary.

(f) SPECIAL RULE.—If the aggregate State expenditure by a State educational agency for the operation of elementary and secondary education programs in the State is less than such agency's aggregate Federal expenditure for the State operation of all Federal elementary and secondary education programs, then the State plan shall include assurances and specific provisions that such State will

provide State expenditures for the operation of elementary and secondary education programs equal to or exceeding the level of Federal expenditures for such operation by October 1, 1998.

SEC. 1112. LOCAL EDUCATIONAL AGENCY PLANS.

(a) PLANS REQUIRED.—A local educational agency may receive a subgrant under this part for any fiscal year only if such agency has on file with the State educational agency a plan that is approved by the State educational agency. Such plan may be submitted as part of a consolidated plan under section 10304.

(b) PLAN PROVISIONS.—

(1) IN GENERAL.—Each local educational agency plan shall include—

(A) a description of additional high-quality student assessments, if any, other than those described in the State plan under section 1111, that—

(i) the local educational agency and schools served under this part will use to—

(I) provide information to teachers, parents, and students on the progress being made toward meeting the State student performance standards described in section 1111(b); and

(II) aid in instruction, in improving the performance of individual students, and in revising the local educational agency or school's instructional program to enable all children served under this part to meet the State student performance standards described in section 1111(b);

(ii) will be selected and administered by teachers; and

(iii) will be aligned with curriculum and constitute an integral part of the instructional program;

(B) at the local educational agency's discretion, a description of any other indicators, such as rates of attendance, graduation, and school-to-work or school-to-college transition, that will be used in addition to the assessments described in subparagraph (A) for the uses described in clause (i) of such subparagraph;

(C) a description of the strategy the local educational agency will use to provide ongoing professional development for teachers, pupil services personnel, administrators, parents and other staff, including local educational agency level staff, that—

(i) takes into account the needs and activities across and within schools; and

(ii) draws on resources available under this part, other Federal resources, and, at the local educational agency's discretion, other State and local resources;

(D) a description of the poverty criteria that will be used to select school attendance areas under section 1113;

(E) a description of how teachers, in consultation with parents, administrators, and pupil services personnel, in targeted assistance schools under section 1115 will identify those eligible children most in need of services under this part;

(F) a general description of the nature of the programs to be conducted by its schools under sections 1114 and 1115 and services outside those schools for children living in local institutions for neglected or delinquent children and for eligible homeless children;

(G) a description of how the local educational agency, where appropriate, will use funds under this part to support preschool programs for children, particularly children participating in a Head Start or Even Start program, which services may be provided directly by the local educational agency or through a subcontract with the local Head Start agency designated by the Secretary of Health and Human Services under section 641 of the Head Start Act, or another comparable public early childhood development program; and

(H) a description of how the local educational agency, as part of a comprehensive school reform effort, will, where appropriate and feasible as determined by such agency, use funds provided under this part to reduce class size to 15 students.

(2) FILING AND APPROVAL.—Notwithstanding paragraph (1), each local educational agency plan shall be filed according to a schedule established by the State educational agency, except that a local educational agency shall have not more than 2 years from the date of enactment of the Improving America's Schools Act of 1994 to have such plan approved by the State educational agency.

(c) ASSURANCES.—Each local educational agency plan shall provide assurances that the local educational agency will—

(1) work in consultation with schools as the schools develop their plans pursuant to section 1114 or 1118 and assist schools as schools implement those plans so that each school can make adequate yearly progress toward meeting the State content standards and State student performance standards;

(2)(A) inform eligible schools and parents of schoolwide project authority; and

(B) provide technical assistance and support to schoolwide programs;

(3) fulfill its school improvement responsibilities under section 1118;

(4) provide services to eligible children attending private elementary and secondary schools in accordance with section 1117, and timely and meaningful consultation with private school officials regarding such services;

(5) consistent with the provisions of section 10306, coordinate and integrate services provided under this part with other educational services, including—

(A) Even Start, Head Start, and other preschool programs, and school-to-work transition programs; and

(B) services for children with limited-English proficiency or with disabilities, migratory children served under part D, neglected or delinquent children served under part E, homeless children, and immigrant children, in order to in-

crease program effectiveness, eliminate duplication, and reduce fragmentation of the children's instructional program;

(6) coordinate and collaborate, to the extent feasible and necessary as determined by the local educational agency, with school-based pupil services personnel where appropriate, and with other agencies providing services to children, youth, and families, including health and social services;

(7) where appropriate and feasible as determined by the local educational agency, establish a procedure to ensure that all children in participating elementary schools receive two health screenings during the elementary school years at appropriate intervals based on reasonable pediatric standards; and

(8) in the case that a State chooses to utilize funds under this part to provide early childhood development services to low-income children below the age of compulsory school attendance, ensure that such services comply with the performance standards established under section 641A(a) of the Head Start Act or under section 651 of such Act, as such section 651 was in effect on the day preceding the date of enactment of the Human Services Amendments of 1994.

(d) PLAN DEVELOPMENT AND DURATION.—Each local educational agency plan shall—

(1) be developed in consultation with teachers, pupil services personnel and parents of children in schools served under this part;

(2) remain in effect for the duration of the local educational agency's participation under this part; and

(3) be periodically reviewed and revised, as necessary, to reflect changes in the local educational agency's strategies and programs.

(e) STATE APPROVAL.—The State educational agency shall approve a local educational agency's plan only if the State educational agency determines that the local educational agency's plan will enable schools served under this part to substantially help all children served under this part meet the standards described in section 1111(b)(1).

(f) PROGRAM RESPONSIBILITY.—The local educational agency plan shall reflect the shared responsibility of the local educational agency and schools in making decisions required under sections 1114 and 1115.

SEC. 1113. ELIGIBLE SCHOOL ATTENDANCE AREAS.

(a) IN GENERAL.—

(1) IN GENERAL.—A local educational agency shall use funds received under this part only in eligible school attendance areas.

(2) ELIGIBLE SCHOOL ATTENDANCE AREAS.—For the purposes of this part—

(A) the term 'school attendance area' means, in relation to a particular school, the geographical area in which the children who are normally served by that school reside; and

(B) the term 'eligible school attendance area' means a school attendance area in which the percentage of children

from low-income families is equal to or greater than the percentage of children—

(i) from low-income families served by the local educational agency as a whole; or

(ii) served by the local educational agency as a whole who are eligible to participate in a schoolwide program under section 1114.

(3) SERVING SCHOOLS IN RANK ORDER.—Each local educational agency receiving assistance under this part shall—

(A) first serve in rank order schools in which the concentration of children from low-income families is 75 percent or greater;

(B) then serve in rank order schools in which such concentration is at least 50 percent and less than 75 percent with rank order determined at the discretion of the local education agency according to grade span or school; and

(C) finally serve in rank order schools in which such concentration is below 50 percent with rank order determined according to grade span or by school.

(4) MEASURES.—The local educational agency shall use the same measure of low-income, which such agency shall choose on the basis of the best available verifiable data and which may be a composite of several indicators, with respect to all school attendance areas in the local educational agency to—

(A) identify eligible school attendance areas;

(B) determine the ranking of each such area; and

(C) determine allocations under subsection (c).

(5) INAPPLICABILITY.—This subsection shall not apply—

(A) to a local educational agency with a total enrollment of less than 1,000 children, except that such agency shall serve schools in rank order according to grade span or school; or

(B) to schools participating in desegregation programs where the number of economically disadvantaged children is equal to or greater than 100 or equal to or greater than 25 percent of such school's total student enrollment.

(b) LOCAL EDUCATIONAL AGENCY DISCRETION.—Notwithstanding subsection (a)(1), a local educational agency may use funds received under this part in a school that is not in an eligible school attendance area, if the percentage of children from low-income families enrolled in the school is equal to or greater than the percentage of such children in a participating school attendance area of such agency.

(c) ALLOCATIONS.—

(1) IN GENERAL.—A local educational agency shall allocate funds received under this part to eligible school attendance areas or eligible schools—

(A) identified under subsection (a)(3)(A), in rank order, on the basis of the total number of children from low-income families in each such area or school; and

(B) identified under subparagraphs (B) and (C) of subsection (a)(3) or under subsection (b), in rank order, on the basis of the total number of children from low-income families in grade levels served in each such area or school.

(2) SPECIAL RULE.—(A) Except as provided in subparagraph (B), the per pupil amount of funds allocated to each school attendance area or school under paragraph (1) shall be at least 65 percent of the per pupil amount of funds a local educational agency received for that year under the poverty criterion described by the local educational agency in the plan submitted under section 1112, except that this paragraph shall not apply to a local educational agency that only serves schools in which the percentage of such children is 50 percent or greater.

(B) A local educational agency may reduce the amount of funds allocated under subparagraph (A) for a school attendance area or school by the amount of any supplemental State and local funds expended in that school attendance area or school for programs that meet the requirements of section 1114 or 1115.

(3) RESERVATION.—A local educational agency shall reserve such funds as are necessary under this part to provide services comparable to those provided to children in schools funded under this part to serve—

(A) eligible homeless children who do not attend participating schools, including providing educationally related support services to children in shelters, where appropriate; and

(B) children living in local institutions for neglected or delinquent children.

SEC. 1114. SCHOOLWIDE PROGRAMS.

(a) USE OF FUNDS FOR SCHOOLWIDE PROGRAMS.—

(1) IN GENERAL.—A local educational agency may use funds under this part, in combination with other Federal, State, and local funds, in order to upgrade the entire educational program in a school described in subparagraph (A) or (B) if, for the initial year of the schoolwide program, the school meets either of the following criteria:

(A) The school serves an eligible school attendance area in which at least 30 percent of the children—

(i) are from low-income families; and

(ii) are eligible for a free or reduced price lunch or show evidence of poverty by other criteria, such as eligibility under the aid to families with dependent children program under part A of title IV of the Social Security Act.

(B) At least 30 percent of the children enrolled in the school are from such families.

(2) IDENTIFICATION.—(A) No school participating in a schoolwide program shall be required to identify particular children as eligible to participate in a schoolwide program or to provide supplemental services to such children.

(B) A school participating in a schoolwide program shall use funds available to carry out this section only to supplement the amount of funds that would, in the absence of funds under this part, be made available from non-Federal sources for the school, including funds needed to provide services that are required by law for children with disabilities and children with limited-English proficiency.

(3) SPECIAL RULE.—(A) Notwithstanding any other provision of law, a school participating in a schoolwide program may use funds received under any noncompetitive, formula-grant program administered by the Secretary, or any discretionary program contained on a list, updated as necessary, issued by the Secretary (other than any such program under the Individuals with Disabilities Education Act) to support a schoolwide program if the underlying intent and purposes of such program are met.

(B) A school that uses funds from the programs described in subparagraph (A) in accordance with such subparagraph shall not be relieved of the requirements relating to health, safety, civil rights, maintenance of effort, comparability of services, services for the participation of children enrolled in private schools, or the distribution of funds to State or local educational agencies that apply to the receipt of funds under such programs.

(4) RESERVATION.—Each school receiving funds under this title for any fiscal year shall use not less than 10 percent of such funds to carry out the activities described in subsection (b)(1)(D) for such fiscal year, except that—

(A) a school may enter into a consortium with another school to carry out such activities; and

(B) this paragraph shall not apply to a school if 10 percent of the funds such school receives under this title for such year is less than $5,000.

(b) COMPONENTS OF A SCHOOLWIDE PROGRAM.—

(1) IN GENERAL.—A schoolwide program shall include the following components:

(A) A comprehensive needs assessment of the entire school that is based on information on the performance of children in relation to the State content standards and the State student performance standards described in section 1111(b)(1).

(B) Schoolwide reform strategies that—

(i) provide opportunities for all children to meet the State's proficient and advanced levels of performance described in section 1111(b)(1)(A);

(ii) are based on effective means of improving the achievement of children;

(iii) use effective instructional strategies that—

(I) increase the amount and quality of learning time; and

(II) help provide an enriched and accelerated curriculum;

(iv)(I) address the needs of all children in the school, but particularly the needs of economically disadvantaged children, low-achieving children, children with limited-English proficiency, children with disabilities, children from migratory families, and children who are members of the target population of any program that is included in the schoolwide program, which may include—

(aa) counseling, pupil services, and mentoring services;

(bb) college and career awareness and preparation, such as college and career guidance, enhancement of employability skills, and job placement services;

(cc) services to prepare students for the transition from school to work;

(dd) services to assist preschool children in the transition from early childhood programs to elementary school programs;

(ee) incorporation of gender-equitable methods and practices; and

(ff) after school and summer programs; and

(II) address how the school will determine if such needs have been met; and

(v) are consistent with, and are designed to implement, the State and local improvement plans, if any, approved under title III of the Goals 2000: Educate America Act.

(C)(i) Instruction by highly qualified professional staff.

(ii) If a school uses funds received under this part to employ instructional aides, the school shall ensure that such aides—

(I) possess the knowledge and skills sufficient to assist participating children in meeting the educational goals of this part;

(II) have a secondary school diploma or its recognized equivalent, or earn such diploma or equivalent within 2 years of such employment, except that a school may employ an instructional aide that does not meet the requirement of this subclause if such aide possesses proficiency in a language other than English that is needed to enhance the participation of children in programs under this part; and

(III) are under the direct supervision of a teacher who has primary responsibility for providing instructional services to eligible children.

(D) In accordance with subsection (a)(4), ongoing professional development for teachers, pupil services personnel, parents, principals, and other staff to enable all children in the school to meet the State's student performance standards.

(E) Parental involvement in accordance with section 1116.

(F) Development and use of teacher selected assessments as described in section 1112(b)(1)(A)(ii) for providing information on and improving the performance of individual students and the overall instructional program.

(G) Measures to ensure that students who experience difficulty mastering any of the standards required by section 1111(b) during the course of the school year shall be provided with effective, timely additional assistance, which shall include—

(i) measures to ensure that students' difficulties are identified on a timely basis and to provide sufficient information on which to base effective assistance;

(ii) to the extent the school determines feasible using funds under this part, periodic training for teachers in how to identify such difficulties and to provide assistance to individual students; and

(iii) for any student who has not met such standards, teacher-parent conferences, at which time the teacher and parents shall discuss—

(I) what the school will do to help the student meet such standards;

(II) what the parents can do to help the student improve the student's performance; and

(III) additional assistance which may be available to the student at the school or elsewhere in the community.

(2) PLAN.—(A) Any eligible school that desires to operate a schoolwide program shall first develop (or amend a plan for such a program that was in existence before the date of enactment of the Improving America's Schools Act of 1994), in consultation with the local educational agency, a comprehensive plan for reforming the total instructional program in the school that—

(i) incorporates the components described in paragraph (1);

(ii) describes how the school will use resources under this part and from other sources to implement those components;

(iii) includes a list of State and local educational agency programs and other Federal programs under paragraph (a)(3) that will be included in the schoolwide program;

(iv) describes how the school will provide valid and reliable individual student assessment results, including an interpretation of those results, to the parents of any child who participates in the assessment required by section 1111(b)(3); and

(v) provides for the statistically reliable data on the achievement and assessment results of economically disadvantaged children disaggregated by gender, major ethnic or racial groups, children with disabilities, and, where appropriate, limited-English proficient children.

(B) Plans developed before a State has adopted standards and a set of assessments that meet the criteria described in paragraphs (1) and (3) of section 1111(b) shall be based on an analysis of available data on the achievement of students in the school and effective instructional and school improvement practices.

(C) The comprehensive plan shall be—

(i) developed over a one-year period, unless—

(I) the local educational agency determines that less time is needed to develop and implement the schoolwide program; or

(II) the school is operating a schoolwide program on the day preceding the date of enactment of the Improving America's Schools Act of 1994, in which case such school may continue to operate that program, but shall develop a new plan during the first year of assistance under such Act to reflect the provisions of this section;

(ii) developed by a school-site council composed of those individuals who will implement the plan, including teachers, pupil services personnel, parents, principals, and other staff;

(iii) in effect for the duration of the school's participation under this part and reviewed and revised, as necessary, by the school; and

(iv) available to the local educational agency, parents, and the public, and the information contained in such plan shall be translated, to the extent feasible, into any language that a significant percentage of the parents of participating children in the school speak as their primary language.

SEC. 1115. TARGETED ASSISTANCE SCHOOLS.

(a) IN GENERAL.—In all schools selected to receive funds under section 1113(c) that are ineligible for a schoolwide program under section 1114, or that choose not to operate such a schoolwide program, a local educational agency may use funds received under this part only for programs that provide services to economically disadvantaged children identified by teachers, in consultation with parents, administrators, and pupil services personnel, as having the greatest academic need for special assistance.

(b) ELIGIBLE CHILDREN—

(1) ELIGIBLE POPULATION.—A child shall be eligible for services under this part if—

(A) except as provided in subparagraphs (B), (C), and (D), the school serving such child determines that such child is economically disadvantaged, and such child—

(i)(I) is not older than age 21 and is entitled to a free public education through grade 12; and

(II) is not yet at a grade level where the local educational agency provides a free public education, yet is of an age at which such child can benefit from an organized instructional program provided in a school or other educational setting; or

(ii) is a child with a disability, a limited-English proficient child, or a migrant child;

(B) the child, at any time in the two years preceding the year for which the determination is made, received services under the program for neglected and delinquent children under part E (or its predecessor authority);

(C) the child is homeless and attending any school in the local educational agency; and

(D) the child, at any time in the two years preceding the year for which the determination is made, participated in a Head Start or Even Start program.

(2) SPECIAL RULE.—Funds received under this part may not be used to provide services that are otherwise required by law to be made available to children described in subparagraphs

(B), (C), and (D) of paragraph (1) but may be used to coordinate or supplement such services.

(c) COMPONENTS OF A TARGETED ASSISTANCE SCHOOL PROGRAM.—

(1) IN GENERAL.—To assist targeted assistance schools and local educational agencies to meet their responsibility to provide for all their students served under this part the opportunity to meet the State's student performance standards in subjects for which services are provided under this part, each targeted assistance program under this section shall—

(A) use such program's resources under this part to help participating children meet such State student performance standards expected for all children;

(B) be based on effective means for improving achievement of children;

(C) ensure that planning for students served under this part is incorporated into existing school planning;

(D) use effective instructional strategies that—

(i) increase the amount and quality of learning time;

(ii) help provide an accelerated, high-quality curriculum; and

(iii) minimize isolating eligible children from other children in the school during regular school hours;

(E) coordinate with and support the regular education program, which may include—

(i) counseling, mentoring and other pupil services;

(ii) college and career awareness and preparation, such as college and career guidance, enhancement of employability skills, and job placement services;

(iii) services to prepare students for the transition from school to work; and

(iv) services to assist preschool children in the transition from early childhood programs to elementary school programs;

(F) provide instruction by highly qualified staff;

(G) if such program employs instructional aides, ensure that such aides—

(i) possess the knowledge and skills sufficient to assist participating children in meeting the purposes of this title;

(ii) have a secondary school diploma or its recognized equivalent, or earn such diploma or equivalent within 2 years of such employment, except that an instructional aide that does not meet the requirement of this clause may be employed if such aide possesses proficiency in a language other than English that is needed to enhance the participation of children in programs under this part; and

(iii) are under the direct supervision of a teacher who has primary responsibility for providing instructional services to eligible children;

(H) in accordance with subsection (d)(2), provide opportunities for ongoing professional development to the extent the school determines feasible with resources provided under

this part and from other sources for administrators and for teachers and other school staff who work with participating children in programs under this section or in the regular education program; and

(I) provide opportunities for parental involvement in accordance with section 1116.

(2) REQUIREMENTS.—Each school conducting a program under this section shall assist participating children selected in accordance with subsection (b) to meet the State's proficient and advanced levels of performance by—

(A) the coordination of resources provided under this part with other resources to enable the children served to meet the State content standards and State student performance standards; and

(B) providing individual student assessment results, including an interpretation of those results, to the parents of any child who participates in the assessment required by section 1111(b)(3).

(d) SPECIAL RULES.—

(1) COMPREHENSIVE SERVICES.—If health, nutrition, and other social services are not otherwise available to eligible children in a targeted assistance school and such school, if appropriate, has engaged in a comprehensive needs assessment and established a collaborative partnership with local service providers, and if funds are not reasonably available from other public or private sources to provide services under this part, then funds provided under this part may be used as a last resort to provide such services, including—

(A) the provision of basic medical equipment, such as eyeglasses and hearing aids;

(B) compensation of a coordinator; and

(C) professional development for teachers, pupil services personnel, other staff, and parents in identifying and meeting the comprehensive needs of eligible children.

(2) RESERVATION.—Each school receiving funds under this title for any fiscal year shall use not less than 10 percent of such funds to carry out the activities described in subsection (c)(1)(G) for such fiscal year, except that—

(A) a school may enter into consortium with another school to carry out such activities; and

(B) this paragraph shall not apply to a school if 10 percent of the funds such school receives under this title for such year is less than $5,000.

(e) ASSIGNMENT OF PERSONNEL.—To promote the integration of staff supported with funds under this part and children served under this part into the regular school program and overall school planning and improvement efforts, public school personnel who are paid with funds received under this part may—

(1) assume limited duties that are assigned to similar personnel who are not so paid, including duties beyond classroom instruction or that do not benefit participating children so long as the amount of time spent on such duties is the same proportion of total work time as prevails with respect to similar personnel at the same school;

(2) participate in general professional development and school planning activities; and

(3) collaboratively teach with regular classroom teachers, so long as their efforts directly benefit participating children.

(f) SPECIAL RULE.—Nothing in this section shall be construed to prohibit a school from serving students served under this section simultaneously with students with similar educational needs, in the same educational settings where appropriate.

SEC. 1116. PARENTAL INVOLVEMENT.

(a) LOCAL EDUCATIONAL AGENCY POLICY.—

(1) IN GENERAL.—Each local educational agency that receives funds under this part shall develop jointly with, and distribute to, parents of participating children a written parent involvement policy that is incorporated into the local educational agency's plan developed under section 1112, establishes the expectations for parent involvement, and describes how the local educational agency will—

(A) involve parents in the joint development and approval of the plan described under section 1112, and the process of school review and improvement described under section 1118;

(B) provide the coordination, technical assistance, and other support necessary to assist participating schools in planning and implementing effective parent involvement;

(C) build the schools' and parents' capacity for strong parent involvement as described in subsection (e);

(D) coordinate and integrate parent involvement strategies described in this part with those under other programs; and

(E) ensure that participating schools—

(i) review the effectiveness of their parent involvement activities on an ongoing basis;

(ii) identify and take steps to remove any barriers to greater parental involvement, including barriers resulting in lower rates of participation in the parent involvement activities by parents who are economically disadvantaged, are disabled, have limited literacy, have limited-English proficiency, or are from any racial or ethnic minority background; and

(iii) use the findings of such reviews in—

(I) designing strategies for school improvement; and

(II) revising, if necessary, the parent involvement policies described in this subsection and subsection (b)(1).

(2) AMENDMENT.—If the local educational agency has a school district-level parental involvement policy that applies to all parents, such agency may amend that policy, if necessary, to meet the requirements of this subsection.

(b) SCHOOL PARENTAL INVOLVEMENT POLICY.—

(1) IN GENERAL.—Each school served under this part shall jointly develop with, and distribute to, parents of participating children a written parent involvement policy, agreed upon by such parents, that shall describe the means for carrying out the

requirements of subsections (c) through (f). Such policy shall be updated periodically to meet the changing needs of parents and the school.

(2) SPECIAL RULE.—If the school has a parental involvement policy that applies to all parents, such school may amend that policy, if necessary, to meet the requirements of this subsection.

(c) POLICY INVOLVEMENT.—Each school served under this part shall—

(1) convene an annual meeting, at a convenient time, to which all parents of participating children shall be invited and encouraged to attend, to inform parents of their school's participation under this part and to explain this part, its requirements, and their right to be involved;

(2) offer a flexible number of meetings, such as meetings in the morning or evening, and may provide, with funds provided under this part, transportation, child care, or home visits, as such services relate to parental involvement;

(3) involve parents, in an organized, ongoing, and timely way, in the planning, review, and improvement of programs under this part, including the school parental involvement policy and the joint development and approval of the schoolwide program plan under section 1114(b), except that if a school has in place a process for involving parents in the joint planning, design, and approval of its programs, the school may use that process, provided that such process includes an adequate representation of parents of participating children; and

(4) provide parents of participating children—

(A) timely information about programs under this part;

(B) school performance profiles required under section 1118(a)(3);

(C) a description and explanation of the curriculum in use at the school, the forms of assessment used to measure student progress, and the proficiency levels students are expected to meet;

(D) opportunities for regular meetings to formulate suggestions, share experiences with other parents, and participate as appropriate in decisions relating to the education of their children if such parents so desire; and

(E) timely responses to the suggestions described in subparagraph (E).

(d) SHARED RESPONSIBILITIES FOR HIGH STUDENT PERFORMANCE.—As a component of the school-level parental involvement policy developed under subsection (b), each school served under this part shall jointly develop with parents for all children served under this part a school-parent compact that outlines how parents, the entire school staff, and students will share the responsibility for improved student achievement and the means by which the school and parents will build and develop a partnership to help children achieve the State's high standards. Such compact shall—

(1) describe the school's responsibility to provide high-quality curriculum and instruction in a supportive and effective learning environment that enables the children served under this part to meet the State's student performance standards, and the ways in which each parent will be responsible for supporting

their children's learning, such as monitoring attendance, homework completion, television watching, volunteering in their child's classroom, and participating as appropriate in decisions relating to the education of their children, and positive use of extracurricular time; and

(2) address the importance of communication between teachers and parents on an ongoing basis through, at a minimum—

(A) parent-teacher conferences in elementary schools, at least annually, during which the compact shall be discussed as the compact relates to the individual child's achievement;

(B) frequent reports to parents on their children's progress; and

(C) reasonable access to staff, opportunities to volunteer and participate in their child's class, and observation of classroom activities.

(e) BUILDING CAPACITY FOR INVOLVEMENT.—To ensure effective involvement of parents and to support a partnership among the school, parents, and the community to improve student achievement, each school and local educational agency shall—

(1) provide assistance to participating parents in such areas as understanding the National Education Goals, the State's content standards and State student performance standards, State and local assessments, the requirements of this part, and how to monitor their children's progress and work with educators to improve the performance of their children as well as information on how parents can participate in decisions relating to the education of their children;

(2) provide materials and training, such as necessary literacy training that is not otherwise available from other sources to help parents work with their children to improve their children's achievement;

(3) educate teachers, pupil services personnel, principals and other staff, with the assistance of parents, in the value and utility of contributions of parents, and in how to reach out to, communicate with, and work with parents as equal partners, implement and coordinate parent programs, and build ties between home and school;

(4) coordinate and integrate parent involvement programs and activities with Head Start, Even Start, and public preschool programs, to the extent feasible; and

(5) other activities, as appropriate and feasible, such as parent resource centers, designed to help parents become full partners in the education of their children.

(f) PARENTAL INFORMATION AND RESOURCE CENTERS.—In States where parental information and resource centers have been established pursuant to section 401 of the Goals 2000: Educate America Act of 1994 (to providing training, information, and support to parents and individuals who work with parents) local educational agencies and schools receiving assistance under this part shall assist parents and parent organizations by informing such parents and organizations of the existence and purpose of such centers, providing such parents and organizations with a description of the services and programs provided by such centers, advising parents

on how to use such centers, and helping parents to contact such centers.

(g) ACCESSIBILITY.—In carrying out the parental involvement requirements of this part, local educational agencies and schools, to the extent practicable, shall provide full opportunities for the participation of parents with limited-English proficiency or with disabilities, including providing information and school profiles in a language and form such parents understand.

SEC. 1117. PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.

(a) GENERAL REQUIREMENT.—

(1) IN GENERAL.—To the extent consistent with the number of eligible children identified according to section 1115(b) in a local educational agency who are enrolled in private elementary and secondary schools, a local educational agency shall, after timely and meaningful consultation with appropriate private school officials, provide such children, on an equitable basis, special educational services or other benefits under this part.

(2) SECULAR, NEUTRAL, NONIDEOLOGICAL.—Such educational services or other benefits, including materials and equipment, must be secular, neutral, and nonideological.

(3) EQUITY.—Educational services and other benefits for such private school children shall be equitable in comparison to services and other benefits for public school children participating under this part.

(4) EXPENDITURES.—Expenditures for educational services and other benefits to eligible private school children shall be equal to the proportion of funds allocated to participating school attendance areas based on the number of children from low-income families who attend private schools.

(5) PROVISION OF SERVICES.—The local educational agency may provide such services directly or through contracts with public and private agencies, organizations, and institutions.

(b) CONSULTATION.—

(1) IN GENERAL.—To ensure timely and meaningful consultation, a local educational agency shall consult with appropriate private school officials during the design and development of the agency's programs under this part, on issues such as—

- *(A) how the children's needs will be identified;*
- *(B) what services will be offered;*
- *(C) how and where the services will be provided; and*
- *(D) how the services will be assessed.*

(2) TIMING.— Such consultation shall occur before the local educational agency makes any decision that affects the opportunities of eligible private school children to participate in programs under this part.

(3) DISCUSSION.—Such consultation shall include a discussion of service delivery mechanisms a local educational agency can use to provide equitable services to eligible private school children.

(c) PUBLIC CONTROL OF FUNDS.—

(1) IN GENERAL.—The control of funds provided under this part, and title to materials, equipment, and property purchased

with those funds, shall be in a public agency, and a public agency shall administer such funds and property.

(2) PROVISION OF SERVICES.—(A) The provision of services under this section shall be provided—

(i) by employees of a public agency; or

(ii) through contract by such public agency with an individual, association, agency, or organization.

(B) In the provision of such services, such employee, person, association, agency, or organization shall be independent of such private school and of any religious organization, and such employment or contract shall be under the control and supervision of such public agency.

(3) VERIFIABLE DOCUMENTATION.—An official of each private school assisted under this part shall provide to the local educational agency the verifiable documentation necessary to determine the proportionate allocation amount under subsection (a)(4) on which the provision of equitable services under this section will be based.

(d) STANDARDS FOR A BYPASS.—If a local educational agency is prohibited by law from providing for the participation on an equitable basis of eligible children enrolled in private elementary and secondary schools or if the Secretary determines that a local educational agency has substantially failed or is unwilling to provide for such participation, as required by this section, the Secretary shall—

(1) waive the requirements of this section for such local educational agency; and

(2) arrange for the provision of services to such children through arrangements that shall be subject to the requirements of this section and sections 10505 and 10506.

(e) CAPITAL EXPENSES.—

(1) IN GENERAL.—(A) From the amount appropriated for this subsection under section 1002(e) for any fiscal year, each State is eligible to receive an amount that bears the same ratio to the amount so appropriated as the number of private school children who received services under this part in the State in the most recent year for which data satisfactory to the Secretary are available bears to the number of such children in all States in that same year.

(B) The Secretary shall reallocate any amounts allocated under subparagraph (A) that are not used by a State for the purpose of this subsection to other States on the basis of their respective needs, as determined by the Secretary.

(2) CAPITAL EXPENSES.—(A) A local educational agency may apply to the State educational agency for payments for capital expenses consistent with this subsection.

(B) State educational agencies shall distribute such funds under this subsection to local educational agencies based on the degree of need set forth in their respective applications for assistance under this subsection.

(3) USES OF FUNDS.—Any funds appropriated to carry out this subsection shall be used only for capital expenses incurred to provide equitable services for private school children under this section.

(4) DEFINITION.—For the purpose of this subsection, the term 'capital expenses' means—

(A) expenditures for noninstructional goods and services, such as the purchase, lease, or renovation of real and personal property, including mobile educational units and leasing of neutral sites or spaces;

(B) insurance and maintenance costs;

(C) transportation; and

(D) other comparable goods and services.

SEC. 1118. ASSESSMENT AND LOCAL EDUCATIONAL AGENCY AND SCHOOL IMPROVEMENT.

(a) LOCAL REVIEW.—Each local educational agency receiving funds under this part shall—

(1) use the State assessments described in the State plan;

(2) use any additional measures or indicators described in the local educational agency's plan to review annually the progress of each school served under this part to determine whether the school is meeting, or making adequate progress as defined in section 1111(b)(2)(A)(i) toward enabling its students to meet the State's student performance standards described in the State plan;

(3) publicize and disseminate to teachers and other staff, parents, students, and the community the results of the annual review under paragraph (1) of all schools served under this part in individual school performance profiles that include disaggregated results as required by section 1111(b)(3)(F); and

(4) provide the results of the local annual review to schools so that the local educational agency can continually refine the program of instruction to help all children served under this part in those schools meet the State's student performance standards.

(b) SCHOOL IMPROVEMENT.—

(1) IN GENERAL.—(A) A local educational agency shall identify for school improvement any school served under this part that—

(i) has been in program improvement under section 1020 of the Elementary and Secondary Education Act of 1965 (as such section was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994), for at least two consecutive school years prior to such day;

(ii) has not made adequate progress as defined in the State's plan under section 1111(b)(2)(A)(i) for two consecutive school years, except that—

(I) this subparagraph shall not apply to a school if almost every student in such school is meeting the State's advanced level of performance; and

(II) in the case of a school that is not operating a schoolwide program such school may be reviewed on the progress of only those students that have been, are, or will be, served under this part; or

(iii) has failed to meet the criteria established by the State through the State's interim procedure under section 1111(b)(4)(C) for two consecutive years.

(B) Before identifying a school for school improvement under paragraph (1), the local educational agency shall provide the school with an opportunity to review the school-level data, including assessment data, on which such identification is based. If the school believes that such identification for school improvement is in error, such school may provide evidence to the local educational agency to support such belief.

(2) REQUIREMENT.—(A) Each school identified under paragraph (1) shall—

(i) in consultation with parents, the local educational agency, and the school support team, develop or revise a school plan in ways that have the greatest likelihood of improving the performance of participating children in meeting the State's student performance standards; and

(ii) submit the plan to the local educational agency for approval.

(B) During the first year immediately following identification under paragraph (1), the school shall implement such school's plan.

(3) TECHNICAL ASSISTANCE.—For each school identified under paragraph (1), the local educational agency shall provide technical assistance as the school develops and implements such school's plan.

(4) CORRECTIVE ACTION.—(A) The local educational agency may take corrective action at any time against a school that has been identified under paragraph (1), but, during the third year following identification under paragraph (1), shall take such action against any school that still fails to make adequate progress.

(B)(i) Corrective actions are those, consistent with State and local law, determined and made public and disseminated by the local educational agency, which may include—

(I) withholding funds;

(II) an aggressive joint plan between the local educational agency and the school that addresses specific elements of student performance problems and that specifies school and local responsibilities under the plan;

(III) interagency collaborative agreements between the school and other public agencies to provide health, counseling, and other social services needed to remove barriers to learning;

(IV) waivers or modifications of requirements of local educational agency policy or regulation that impede the ability of the school to educate students;

(V) revoking authority for a school to operate a schoolwide program;

(VI) decreasing decisionmaking authority at the school level;

(VII) making alternative governance arrangements such as the creation of a public charter school;

(VIII) reconstituting the school staff; and

(IX) authorizing students to transfer, including transportation costs, to other public schools served by the local educational agency.

(ii) Notwithstanding clause (i), corrective actions taken pursuant to this part shall not include the actions described in subclauses (I), (V), (VI), (VIII), (IX) of clause (i) until the State has developed assessments that meet the requirements of paragraph (3)(E) of section 1111(b).

(C) Prior to implementing any corrective action, the local educational agency may refrain from such corrective action to the extent that the failure to make progress can be attributed to extenuating circumstances, such as sudden and significant reductions in Federal funding in a single year, as determined by the Secretary.

(5) STATE EDUCATIONAL AGENCY RESPONSIBILITIES.—The State educational agency shall—

(A) make assistance from school support teams and distinguished educators under section 1119 available to the schools farthest from meeting the State's student performance standards, if requested by the local educational agency or school; and

(B) if such agency determines that a local educational agency failed to carry out the local educational agency's responsibilities under paragraphs (3) and (4), take such corrective actions that the State educational agency deems appropriate.

(6) SPECIAL RULE.—Schools that for at least two of the three years following identification under paragraph (1) make adequate progress toward meeting the State's proficient and advanced levels of performance shall no longer need to be identified for school improvement.

(c) STATE REVIEW AND LOCAL EDUCATIONAL AGENCY IMPROVEMENT.—

(1) IN GENERAL.—A State educational agency shall—

(A) annually review the progress of each local educational agency receiving funds under this part to determine whether the local educational agency is making adequate progress as defined in section 1111(b)(2)(A)(ii) toward meeting the State's student performance standards; and

(B) publicize and disseminate to local educational agencies, teachers and other staff, parents, students, and the community the results of the State review, including disaggregated results, as required by section 1111(b)(3)(F).

(2) REWARDS.—In the case of a local educational agency that for three consecutive years has exceeded the State's definition of adequate progress as defined in section 1111(b)(2)(A)(ii), the State may make institutional and individual rewards of the kinds described for individual schools in paragraphs (2) and (3) of section 1119(b).

(3) IDENTIFICATION.—(A) A State educational agency shall identify for improvement any local educational agency that—

(i) for two consecutive years, is not making adequate progress as defined in section 1111(b)(2)(A)(ii) in schools served under this part toward meeting the State's student performance standards, except that schools served by the local educational agency that are not operating schoolwide

programs may be reviewed on the basis of the progress of only those students served under this part; or

(ii) has failed to meet the criteria established by the State through its interim procedure under section 1111(b)(4)(C) for two consecutive years.

(B) Before identifying a local educational agency for improvement under paragraph (1), the State educational agency shall provide the local educational agency with an opportunity to review the school-level data, including assessment data, on which such identification is based. If the local educational agency believes that such identification for improvement is in error, such local educational agency may provide evidence to the State educational agency to support such belief.

(4) LOCAL EDUCATIONAL AGENCY REVISIONS.—Each local educational agency identified under paragraph (3) shall, in consultation with schools, parents, and educational experts, revise its local educational agency plan under section 1112 in ways that have the greatest likelihood of improving the performance of schools served by the local educational agency in meeting the State's student performance standards.

(5) STATE EDUCATIONAL AGENCY RESPONSIBILITIES.—For each local educational agency identified under paragraph (3), the State educational agency shall—

(A) provide technical assistance to better enable the local educational agency to develop and implement the local educational agency's revised plan and work with schools needing improvement; and

(B) make available to the local educational agencies farthest from meeting the State's standards, if requested, assistance from school support teams and distinguished educators under section 1119.

(6) CORRECTIVE ACTION.—(A) The State educational agency may take corrective action at any time against a local educational agency that has been identified under paragraph (3), but, during the fourth year following identification under paragraph (3), shall take such action against any local educational agency that still fails to make adequate progress.

(B)(i) Corrective actions are those, consistent with State law, determined and made public and disseminated by the State educational agency, which may include—

(I) the withholding of funds;

(II) an aggressive joint plan between the State and local educational agency that addresses specific elements of student performance problems and that specifies State and local responsibilities under the plan;

(III) interagency collaborative agreements between the local educational agency and other public agencies to provide health, pupil services, and other social services needed to remove barriers to learning;

(IV) waivers or modification of requirements of State law or regulation (in States in which such waivers are permitted) that impede the ability of a local educational agency to educate students;

(V) reconstitution of school district personnel;

(VI) appointment by the State educational agency of a representative to implement, in conjunction with the local educational agency, a program improvement plan;

(VII) removal of particular schools from the jurisdiction of the local educational agency and establishment of alternative arrangements for the public governance and supervision of such schools; and

(VIII) authorizing students to transfer to another public school, including the cost of transportation.

(ii) Notwithstanding clause (i), corrective actions taken pursuant to this part shall not include the actions described in subclauses (I), (V), and (VII) of clause (i) until the State has developed assessments that meet the requirements of paragraph (3)(E) of section 1111(b).

(C) Prior to implementing any corrective action, the State educational agency shall provide due process, including a hearing, to any local educational agency identified under paragraph (3) and may refrain from such corrective action to the extent that the failure to make progress can be attributed to such extenuating circumstances as determined by the Secretary.

(7) SPECIAL RULE.—Local educational agencies that for at least two of the three years following identification under paragraph (3) make adequate progress toward meeting the State's standards no longer need to be identified for local educational agency improvement.

(d) OTHER ACCOUNTABILITY SYSTEMS.—If a State has developed an accountability system for all children that, in the Secretary's judgment, is as rigorous as the system required by this section and can serve as basis for the accountability of programs under this part, then the Secretary may deem such system as meeting the requirements of this section.

(e) CONSTRUCTION.—Nothing in this section shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded schools, school districts, or employees under Federal, State, or local laws (including applicable regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employees and their employers.

SEC. 1119. STATE ASSISTANCE FOR SCHOOLS SUPPORT AND IMPROVEMENT.

(a) SYSTEM FOR SUPPORT.—Each State educational agency shall establish a statewide system of intensive and sustained support and improvement for schools receiving funds under this title, including all schoolwide programs and all schools in need of program improvement.

(b) COMPONENTS.—The system, at a minimum, shall include the following:

(1) SCHOOL SUPPORT TEAMS.—

(A) Each State, in consultation with local educational agencies and schools, shall establish a system of school support teams to provide information and assistance to schoolwide programs, or a school in which the number of students in poverty is equal to or greater than 75 percent of the total number of students enrolled in such school and

such school is identified as in need of improvement under section 1118(b)(1).

(B) Each such team shall be composed of persons, including teachers, pupil services personnel, representatives of organizations knowledgeable about successful schoolwide projects or comprehensive school reform, and other persons who are knowledgeable about research and practice on teaching and learning, particularly about strategies for improving the educational opportunities for eligible children, such as representatives of institutions of higher education, regional educational laboratories or research centers, and outside consultant groups.

(C) A school support team shall work cooperatively with each school and make recommendations as the school develops its schoolwide program plan or school improvement plan, review each plan, and make recommendations to the school and the local educational agency.

(D) During the operation of the schoolwide program or during school improvement activities, a school support team shall—

(i) periodically review the progress of the school in enabling children in the school to meet the State's performance standards under this part;

(ii) identify problems in the design and operation of the instructional program; and

(iii) make recommendations for improvement to the school and the local educational agency.

(E) Funds made available for State administration and, at the discretion of the local educational agency, funds available to local educational agencies under this part may be used to pay the costs of the school support teams.

(2) DISTINGUISHED SCHOOLS.—(A) Each State shall designate as a distinguished school—

(i) any school served under this part that, for three consecutive years, has exceeded the State's definition of adequate progress as defined in section 1111(b)(2)(A)(i); and

(ii) any school in which almost every student has met the State's advanced level of performance.

(B)(i) A State shall use funds available under section 1701(c) to recognize distinguished schools, including making monetary awards.

(ii) Funds awarded to a distinguished school may be used by the school to further the school's educational program under this part, provide additional incentives for continued success, and reward individuals or groups in the school for past performance.

(C) A local educational agency may also recognize the success of a distinguished school by providing additional institutional and individual rewards, such as greater decisionmaking authority at the school building level, increased access to resources or supplemental services such as summer programs that may be used to sustain or increase success, additional professional development opportunities, opportunities to participate in special projects, and individual financial bonuses.

(D) Schools designated as distinguished schools under such subparagraph (A) may serve as models and provide additional assistance to other schools served under this part, especially schoolwide programs and schools in school improvement, that are not making adequate progress.

(3) DISTINGUISHED EDUCATORS.—

(A) In order to provide assistance to schools and local educational agencies identified as needing improvement and schools participating in schoolwide programs, each State, in consultation with local educational agencies and using funds available under section 1701(c), shall establish a corps of distinguished educators.

(B) When possible, distinguished educators shall be chosen from schools served under this part that have been especially successful in enabling children to meet or make outstanding progress toward meeting the State's student performance standards, such as the schools described in paragraph (2).

(C) Distinguished educators shall provide, as part of the statewide system, intensive and sustained assistance to the schools and local educational agencies furthest from meeting the State's student performance standards and to schoolwide programs as such programs develop and implement their plans, including participation in the support teams described in paragraph (1).

(c) IMPLEMENTATION.—In order to implement this section, funds made available under section 1701(c) may be used by a State for release time for teachers and administrators, travel, training, and other related costs.

(d) ALTERNATIVES.—

(1) IN GENERAL.—The State may devise alternative or additional approaches to providing the assistance described in paragraphs (1) and (3) of subsection (b), such as providing assistance through institutions of higher education and educational service agencies or other local consortia and may use funds authorized in section 1701(c) for such approaches.

(2) INAPPLICABILITY.—Paragraphs (1) and (3) of subsection (b) shall not apply to a State educational agency if such agency determines that a local educational agency or school is receiving adequate technical assistance from a source other than the State educational agency.

SEC. 1120. FISCAL REQUIREMENTS.

(a) MAINTENANCE OF EFFORT.—A local educational agency may receive funds under this part for any fiscal year only if the State educational agency finds that the local educational agency has maintained its fiscal effort in accordance with section 10501 of this Act.

(b) FEDERAL FUNDS TO SUPPLEMENT, NOT SUPPLANT, NON-FEDERAL FUNDS.—

(1) IN GENERAL.—(A) Except as provided in subparagraph (B), a State or local educational agency shall use funds received under this part only to supplement the amount of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of pupils participat-

ing in programs assisted under this part, and not to supplant such funds.

(B) For the purpose of complying with subparagraph (A), a State or local educational agency may exclude supplemental State and local funds expended in any eligible school attendance area or school for programs that meet the requirements of section 1114 or 1115.

(2) SPECIAL RULE.—No local educational agency shall be required to provide services under this part through a particular instructional method or in a particular instructional setting in order to demonstrate such agency's compliance with paragraph (1).

(c) COMPARABILITY OF SERVICES.—

(1) IN GENERAL.—(A) Except as provided in paragraphs (4) and (5), a local educational agency may receive funds under this part only if State and local funds will be used in schools served under this part to provide services that, taken as a whole, are at least comparable to services in schools that are not receiving funds under this part.

(B) If the local educational agency is serving all of such agency's schools under this part, such agency may receive funds under this part only if such agency will use State and local funds to provide services that, taken as a whole, are substantially comparable in each school.

(C) A local educational agency may meet the requirements of subparagraphs (A) and (B) on a grade-span by grade-span basis or a school-by-school basis.

(2) WRITTEN ASSURANCE.—(A) A local educational agency shall be considered to have met the requirements of paragraph (1) if such agency has filed with the State educational agency a written assurance that such agency has established and implemented—

(i) a local educational agency-wide salary schedule;

(ii) a policy to ensure equivalence among schools in teachers, administrators, and other staff; and

(iii) a policy to ensure equivalence among schools in the provision of curriculum materials and instructional supplies.

(B) Unpredictable changes in student enrollment or personnel assignments which occur after the beginning of a school year shall not be included as a factor in determining comparability of services.

(C) A local educational agency need not include unpredictable changes in student enrollment or personnel assignments that occur after the beginning of a school year in determining comparability of services under this subsection.

(3) PROCEDURES AND RECORDS.—Each local educational agency shall—

(A) develop procedures for compliance with this subsection; and

(B) maintain records that are updated biennially documenting such agency's compliance with this subsection.

(4) Inapplicability.—This subsection shall not apply to a local educational agency that does not have more than one building for each grade span.

(5) Compliance.—For the purpose of determining compliance with paragraph (1), a local educational agency may exclude State and local funds expended for—

(A) bilingual education for children of limited-English proficiency; and

(B) excessive costs of providing services to children with disabilities as determined by the local educational agency.

Subpart 2—Allocations

SEC. 1121. GRANTS FOR THE OUTLYING AREAS AND THE SECRETARY OF THE INTERIOR.

(a) Reservation of Funds.—From the amount appropriated for payments to States for any fiscal year under section 1002(a), the Secretary shall reserve a total of 1 percent to provide assistance to—

(1) the outlying areas on the basis of their respective need for such assistance according to such criteria as the Secretary determines will best carry out the purpose of this part; and

(2) the Secretary of the Interior in the amount necessary to make payments pursuant to subsection (b).

(b) Assistance to the Outlying Areas.—

(1) In general.—From amounts made available under subsection (a)(1) in each fiscal year the Secretary shall make grants to local educational agencies in the outlying areas in accordance with recommendations from the Pacific Regional Educational Laboratory which shall conduct a competition for such grants.

(2) Administrative costs.—The Secretary shall provide 5 percent of amounts made available for grants under this paragraph in each fiscal year to the Pacific Regional Educational Laboratory to pay the administrative costs of such laboratory with respect to the activities under this subsection.

(c) Allotment to the Secretary of the Interior.—

(1) In general.—The amount allotted for payments to the Secretary of the Interior under subsection (a)(2) for any fiscal year shall be, as determined pursuant to criteria established by the Secretary, the amount necessary to meet the special educational needs of—

(A) Indian children on reservations served by elementary and secondary schools for Indian children operated or supported by the Department of the Interior; and

(B) out-of-State Indian children in elementary and secondary schools in local educational agencies under special contracts with the Department of the Interior.

(2) Payments.—From the amount allotted for payments to the Secretary of the Interior under subsection (a)(2), the Secretary of the Interior shall make payments to local educational agencies, upon such terms as the Secretary determines will best carry out the purposes of this part, with respect to out-of-State Indian children described in paragraph (1). The amount of

such payment may not exceed, for each such child, the greater of—

(A) 40 percent of the average per pupil expenditure in the State in which the agency is located; or

(B) 46 percent of such expenditure in the United States.

SEC. 1122. ALLOCATIONS TO STATES.

(a) ADJUSTMENTS WHERE NECESSITATED BY APPROPRIATIONS.—

(1) IN GENERAL.—If the sums made available under for this part for any fiscal year are insufficient to pay the full amounts that all local educational agencies in States are eligible to receive under section 1123 for such year, the Secretary shall ratably reduce the allocations to such local educational agencies, subject to subsections (b) and (c) of this section.

(2) ADDITIONAL FUNDS.—If additional funds become available for making payments under section 1123 for such fiscal year, allocations that were reduced under paragraph (1) shall be increased on the same basis as such allocations were reduced.

(b) HOLD-HARMLESS AMOUNTS.—

(1) IN GENERAL.—Notwithstanding subsection (a), the total amount made available to each State under section 1123—

(A) for fiscal year 1995, shall not be less than 100 percent of the total amount such State received under sections 1005 and 1006 (as such sections were in existence on the day preceding the date of enactment of the Improving America's Schools Act of 1994) for fiscal year 1994;

(B) for fiscal year 1996, shall not be less than 90 percent of the total amount such State received under section 1123 for fiscal year 1995; and

(C) for fiscal year 1997 and each succeeding fiscal year, shall not be less than 85 percent of the total amount such State received in the fiscal year preceding the fiscal year for which the determination is made.

(2) RATABLE REDUCTION.—If the sums made available under this part for any fiscal year are insufficient to pay in full the amounts that all local educational agencies in States are eligible to receive under this subsection for such year, the Secretary shall ratably reduce the allocations to such local educational agencies.

(c) DEFINITION.—For the purpose of this section and section 1123, the term State means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

SEC. 1123. GRANTS TO STATES.

(a) AMOUNT OF GRANTS.—

(1) IN GENERAL.—(A) In any case in which the Secretary determines that satisfactory data for local educational agencies are available to carry out determinations under paragraph (2), the grant which a State is eligible to receive under this subpart for a fiscal year shall be the aggregate amount of grants for all local educational agencies in that State, as determined under paragraph (2).

(B) In any case in which the Secretary determines that satisfactory data for local educational agencies are not available to carry out determinations under paragraph (2), the grant which

a State is eligible to receive for a fiscal year shall be the aggregate amounts of grants for all counties in that State, as determined under paragraph (2).

(2) GRANTS FOR STATES.*—(A)(i) The grant for a local educational agency shall be determined by multiplying the number of children counted under subsection (c) by 40 percent of the amount determined under the next sentence, multiplying such product by the effort factor described in clause (ii) and multiplying such product by the equity factor described in clause (iii). The amount determined under this sentence shall be the average per pupil expenditure in the State except that (I) if the average per pupil expenditure in the State is less than 85 percent of the average per pupil expenditure in the United States, such amount shall be 85 percent of the average per pupil expenditure in the United States, or (II) if the average per pupil expenditure in the State is more than 115 percent of the average per pupil expenditure in the United States, such amount shall be 115 percent of the average per pupil expenditure in the United States.*

(ii)(I) Except as provided in subclause (II), the effort factor for a local educational agency shall be determined in accordance with the succeeding sentence, except that such factor shall not be less than .95 nor more than 1.05. The effort factor determined under this sentence shall be a fraction of the numerator of which is the product of the average per pupil expenditure for kindergarten through 12th grade education in the State served by the local educational agency multiplied by the per capita income in the United States and the denominator of which is the product of the per capita income in such State multiplied by the average per pupil expenditure for kindergarten through 12th grade education in the United States.

(II) The effort factor for the Commonwealth of Puerto Rico shall be equal to the lowest effort factor calculated under subclause (I) for any State.

(iii)(I) Except as provided in subclause (II), the equity factor for a local educational agency shall be determined in accordance with the succeeding sentence, except that such factor shall not be less than .95 nor more than 1.05. The equity factor determined under this sentence shall be calculated as follows: First, calculate the difference (expressed as a positive amount) between the average per pupil expenditure in the State served by the local educational agency and the average per pupil expenditure in each local educational agency in the State and multiply such difference by the total student enrollment for such agency, except that children from low-income families shall be multiplied by a factor of 1.4 to calculate such enrollment. Second, add the products under the preceding sentence for each local educational agency in such State and divide such sum by the total student enrollment of such State, except that children from low-income families shall be multiplied by a factor of 1.4 to calculate such enrollment. Third, divide the quotient under the preceding sentence by the average per pupil expenditure in such State. If the final quotient obtained under the preceding sentence is—

(aa) .05 or less, then the equity factor is 1.05;

(bb) greater than .05 and less than .15, then the equity factor is equal to 1.10 minus such quotient; or

(cc) .15 or greater, then the equity factor is .95.

(II) The equity factor for a local educational agency serving—

(aa) the District of Columbia and the Commonwealth of Puerto Rico shall be calculated so that there is no increase or decrease in the District of Columbia's or the Commonwealth of Puerto Rico's grant under this section by the application of this clause;

(bb) Hawaii shall be 1.05; and

(cc) serving a State that meets the disparity standard described in section 222.63 of title 34, Code of Federal Regulations, shall be 1.00.

(B) For each fiscal year, the Secretary shall determine the percentage which the average per pupil expenditure in the Commonwealth of Puerto Rico is of the lowest average per pupil expenditure of any of the 50 States. The grant which the Commonwealth of Puerto Rico shall be eligible to receive under this subpart for a fiscal year shall be determined by multiplying the product of the effort factor for the Commonwealth of Puerto Rico under subparagraph (A)(ii)(II) for such year multiplied by the equity factor for the Commonwealth of Puerto Rico under subparagraph (A)(iii)(II)(aa) for such year by the amount arrived at by multiplying the number of children counted under subsection (c) for the Commonwealth of Puerto Rico by the product of—

(i) the percentage determined under the preceding sentence for such year; and

(ii) 32 percent of the average per pupil expenditure in the United States for such year.

(b) MINIMUM NUMBER OF CHILDREN TO QUALIFY.—The children served by a local educational agency shall be counted for a fiscal year under this subpart only if such agency meets the following requirements with respect to the number of children counted under subsection (c):

(1) In any case (except as provided in paragraph (3)) in which the Secretary determines that satisfactory data for the purpose of this subsection as to the number of such children are available on a school district basis, the number of such children in the school district of such local educational agency shall be at least 10.

(2) In any other case, except as provided in paragraph (3), the number of such children in the county which includes such local educational agency's school district shall be at least 10.

(3) In any case in which a county includes a part of the school district of the local educational agency concerned and the Secretary has not determined that satisfactory data for the purpose of this subsection are available on a school district basis for all the local educational agencies or all the counties into which the school district of the local educational agency concerned extends, the eligibility requirement with respect to the number of such children for such local educational agency shall

be determined in accordance with regulations prescribed by the Secretary for the purposes of this subsection.

(c) CHILDREN TO BE COUNTED.—

(1) CATEGORIES OF CHILDREN.—The number of children to be counted for purposes of this section is the aggregate of—

(A) the number of children aged 5 to 17, inclusive, in the school district of the local educational agency from families below the poverty level as determined under paragraph (2); and

(B) the number of children aged 5 to 17, inclusive, in the school district of such agency living in institutions for neglected or delinquent children (other than such institutions operated by the United States) but not counted pursuant to subpart 3 of part E for the purposes of a grant to a State agency, or being supported in foster homes with public funds.

(2) DETERMINATION OF NUMBER OF CHILDREN.—(A) For the purposes of this section, the Secretary shall determine the number of children aged 5 to 17, inclusive, from families below the poverty level on the basis of the most recent satisfactory data available from the Department of Commerce for local educational agencies (or, if such data are not available for such agencies, for counties); and in determining the families which are below the poverty level, the Secretary shall utilize the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census.

(B) The number of children to be counted for purposes of this section shall be the number counted under subparagraph (A) multiplied by the weighting factor for the local educational agency. The weighting factor shall be established on the basis of the percentage that the number of children counted under section 1124(c) represents of the total population aged 5 to 17, inclusive, in the local educational agency or the number of such children. Weighted pupil counts shall be calculated based upon both percentage and number and the larger of the two counts shall be used in calculating grants for each local educational agency. Weighting factors shall be assigned according to the following scale: if the percentage is greater than 0 but less than 12.20, the weighting factor shall be 1.00 for all children counted under section 1124(c); if the percentage is greater than 12.20 but less than 17.70, the weighting factor shall be 1.00 for a number of children counted under section 1124(c) equal to 12.20 percent of the total school age population and 1.10 for children counted under section 1124(c) in excess of 12.20 percent of the total school age population; if the percentage is greater than 17.70 percent but less than 22.80 percent, then the weighting factor shall be 1.00 for a number of children counted under section 1124(c) equal to 12.20 percent of the total school age population, 1.10 for a number of children counted under section 1124(c) equal to 5.50 percent of the total school age population, and 1.20 for children counted under section 1124(c) in excess of 17.70 percent of the total school age population; if the percentage is greater than 22.80 percent but less than 29.70 percent, then the weighting factor shall be 1.00 for a number of

children counted in section 1124(c) equal to 12.20 percent of the total school age population, 1.10 for a number of children counted under section 1124(c) equal to 5.50 percent of the total school age population, 1.20 for a number of children counted under section 1124(c) equal to 5.10 percent of the total school age population, and 1.30 for children counted under section 1124(c) in excess of 22.80 percent of the total school age population; and if the percentage is greater than 29.70, then the weighting factor shall be 1.00 for a number of children counted in section 1124(c) equal to 12.20 percent of the total school age population, 1.10 for a number of children counted under section 1124(c) equal to 5.50 percent of the total school age population, 1.20 for a number of children counted under section 1124(c) equal to 5.10 percent of the total school age population, 1.30 for a number of children counted in section 1124(c) equal to 6.90 percent of the total school age population, and 1.40 for children counted in section 1124(c) in excess of 29.70 percent of the total school age population. Separately, if the number of children counted under section 1124(c) is greater than 0 but less than 1917, the weighting factor shall be 1.00 for all children counted in section 1124(c); if the number is greater than 1917 but less than 5,938, the weighting factor shall be 1.00 for a number of children counted in section 1124(c) equal to 1917, and 1.075 for children counted under section 1124(c) in excess of 1917; if the number is greater than 5,938 but less than 20,199, then the weighting factor shall be 1.00 for a number of children counted in section 1124(c) equal to 1917, 1.075 for a number of children counted under section 1124(c) equal to 4,021, and 1.150 for children counted under section 1124(c) in excess of 5,938; if the number is greater than 20,199 but less than 77,999 then the weighting factor shall be 1.00 for a number of children counted in section 1124(c) equal to 1917, 1.075 for a number of children counted under section 1124(c) equal to 4,021, 1.150 for a number of children counted under section 1124(c) equal to 14,261, and 1.225 for children counted under section 1124(c) in excess of 20,199; and if the number is greater than 77,999, then the weighting factor shall be 1.00 for a number of children counted in section 1124(c) equal to 1917, 1.075 for a number of children counted under section 1124(c) equal to 4,021, 1.150 for a number of children counted under section 1124(c) equal to 14,261, 1.225 for a number of children counted in section 1124(c) equal to 57,800 and 1.30 for children counted in section 1124(c) in excess of 77,999. For the Commonwealth of Puerto Rico, the weighting factor shall be no greater than 1.15.

(d) STATE MINIMUM.—

(1) MINIMUM.—For any fiscal year the aggregate amount allotted for all local educational agencies within a State may not be less than one-quarter of 1 percent of the total amount available for such fiscal year under this section.

(2) SPECIAL RULE.—A State shall not be allotted in any fiscal year more than 125 percent of the amount that the State would have received under this section in such fiscal year if the provisions of paragraph (1) were not applied.

(e) SPECIAL RULE.—No State shall receive a grant under this section for fiscal year 1995 in an amount that exceeds 115 percent of the amount that would have been allocated to such State for such fiscal year under subpart 1 of part A of chapter 1 of title I (as such subpart was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994).

SEC. 1124. WITHIN STATE ALLOCATIONS.

(a) IN GENERAL.—

(1) ELIGIBILITY.—No local educational agency shall be eligible for funds under this part unless the number of children counted under subsection (b) for such agency is at least 10 and equal to 5 percent or greater of the number of all children served by such agency.

(2) HOLD HARMLESS.—Notwithstanding any other provision of this section, each local educational agency shall receive an amount under this part for fiscal years 1995 and 1996 that is at least equal to 85 percent of the amount such agency received under this part (or for fiscal year 1994 only, such part's predecessor authority) in the preceding fiscal year, except that if such agency is not eligible for assistance under paragraph (1) such agency shall only receive the amount provided for under this paragraph for fiscal year 1995.

(3) STATE RESERVE.—(A) For each fiscal year each State may reserve not more than 2 percent of the funds such State receives to carry out this part to award grants to local educational agencies that—

(i) are not eligible for assistance under paragraph (1); and

(ii) serve a school attendance area for which the percentage of children counted under subsection (b) that are enrolled in the schools in such area exceeds—

(I) the percentage of such children in the State; or

(II) 25 percent.

(B) The total amount of funds awarded to each local educational agency receiving a grant under this paragraph when added to funds made available under paragraph (2) shall not exceed—

(i) for fiscal year 1995, the amount such agency received under this part's predecessor authority in the preceding fiscal year; and

(ii) for fiscal year 1996 and each succeeding fiscal year, the average amount received per child under this part in the State multiplied by the number of children counted under subsection (b) in such agency's school attendance areas described in subparagraph (A)(ii).

(C) Each State awarding grants under this paragraph shall distribute such grants to local educational agencies in rank order based on the average percentage of children from low-income families in a local educational agency's school attendance area described in subparagraph (A)(ii).

(D) Each local educational agency receiving a grant under this paragraph only shall use such grants funds to serve school attendance areas described in subparagraph (A)(ii).

(E) In order to receive a grant under this paragraph a local educational agency shall provide an assurance to the State educational agency serving such local educational agency that such local educational agency has not modified the student assignment practices of such local educational agency so as to increase the percentage of children from low-income families in each school for which assistance is sought under this paragraph.

(b) LOCAL EDUCATIONAL AGENCY ALLOCATIONS.—

(1) ABSORPTION.—From funds made available under section 1123 each State educational agency shall allocate an amount in accordance with paragraph (2) to each eligible local educational agency on the basis of—

(A) the total number of children counted under paragraph (4) in such agency; less

(B) 1 percent of the total number of children aged 5 through 17 served by such agency.

(2) WEIGHTED CHILDREN.—(A) The number of children to be counted for purposes of this section shall be the number counted under paragraph (4) multiplied by the weighting factor for the local educational agency. The weighting factor shall be established on the basis of the percentage that the number of children counted under such section represents of the total population aged 5 to 17, inclusive, in the local educational agency or the number of such children. Weighted pupil counts shall be calculated based upon both percentage and number and the larger of the two counts shall be used in calculating grants for each local educational agency. Weighting factors shall be assigned according to the following scale, except that a State educational agency may submit to the Secretary for approval of alternative quintiles for use in the following weighted pupil counts for the State if the use of such quintiles more accurately targets poverty: if the percentage is greater than 0 but less than 14.265, the weighting factor shall be 1.00 for all children counted under section 1124(c); if the percentage is greater than 14.265 but less than 21.553, the weighting factor shall be 1.00 for a number of children counted under section 1124(c) equal to 14.265 percent of the total school age population and 1.150 for children counted under section 1124(c) in excess of 14.265 percent of the total school age population; if the percentage is greater than 21.553 percent but less than 29.223 percent, then the weighting factor shall be 1.00 for a number of children counted under section 1124(c) equal to 14.265 percent of the total school age population, 1.150 for a number of children counted under section 1124(c) equal to 7.288 percent of the total school age population, and 1.300 for children counted under section 1124(c) in excess of 21.553 percent of the total school age population; if the percentage is greater than 29.223 percent but less than 36.538 percent, then the weighting factor shall be 1.00 for a number of children counted under section 1124(c) equal to 14.265 percent of the total school age population, 1.150 for a number of children counted under section 1124(c) equal to 7.288 percent of the total school age population, 1.30 for a number of children counted under section 1124(c) equal to 7.67 per-

cent of the total school age population, and 1.450 for children counted under section 1124(c) in excess of 29.223 percent of the total school age population; and if the percentage is greater than 36.538, then the weighting factor shall be 1.00 for a number of children counted under section 1124(c) equal to 14.265 percent of the total school age population, 1.150 for a number of children counted under section 1124(c) equal to 7.288 percent of the total school age population, 1.300 for a number of children counted under section 1124(c) equal to 7.67 percent of the total school age population, 1.450 for a number of children counted under section 1124(c) equal to 7.315 percent of the total school age population, and 1.600 for children counted under section 1124(c) in excess of 36.538 percent of the total school age population. Separately, if the number of children counted under section 1124(c) is greater than 0 but less than 575, the weighting factor shall be 1.00 for all children counted under section 1124(c); if the number is greater than 575 but less than 1,870, the weighting factor shall be 1.00 for a number of children counted under section 1124(c) equal to 575, and 1.10 for children counted under section 1124(c) in excess of 575; if the number is greater than 1,870 but less than 6,910, then the weighting factor shall be 1.00 for a number of children counted under section 1124(c) equal to 575, 1.10 for a number of children counted under section 1124(c) equal to 1,295, and 1.20 for children counted under section 1124(c) in excess of 1,870; if the number is greater than 6,910 but less than 42,000 then the weighting factor shall be 1.00 for a number of children counted under section 1124(c) equal to 575, 1.10 for a number of children counted under section 1124(c) equal to 1,295, 1.20 for a number of children counted under section 1124(c) equal to 5,040, and 1.30 for children counted under section 1124(c) in excess of 6,910; and if the number is greater than 42,000, then the weighting factor shall be 1.00 for a number of children counted under section 1124(c) equal to 575, 1.10 for a number of children counted under section 1124(c) equal to 1,295, 1.20 for a number of children counted under section 1124(c) equal to 5,040, 1.30 for a number of children counted under section 1124(c) equal to 35,090 and 1.40 for children counted under section 1124(c) in excess of 42,000.

(3) APPLICABILITY.—For purposes of this subsection section 1123(c) shall be applied—

(A) in subparagraph (A) of paragraph (1) of such section, by striking "paragraph (2)" and inserting "paragraph (2)(A)"; and

(B) by striking paragraph (2)(B) of such section.

(4) DATA.—In counting the number of children under paragraph (2) a State educational agency shall use for each local educational agency served by such State educational agency—

(A) data from the Bureau of the Census regarding the number of children described in subsection (b);

(B) data based on the sum of—

(i) the number of children from families receiving aid to families with dependent children under part A of title IV of the Social Security Act; and

(ii) the number of children with limited-English proficiency served by such agency divided by three; or

(C) data based on other poverty criteria that the State educational agency deems appropriate and the Secretary approves, adjusted to be equivalent in proportion to the number of children counted under subsection (b) in the State, except that the State educational agency may submit to the Secretary alternative data that more accurately target poverty.

(5) GEOGRAPHIC CIRCUMSTANCES.—In the case of local educational agencies which serve in whole or in part the same geographical area, and in the case of a local educational agency which provides free public education for a substantial number of children who reside in the school district of another local educational agency, the State educational agency may allocate the amount of the grants for those local educational agencies among those local educational agencies in such manner as the State educational agency determines will best carry out the purposes of this part.

(6) SPECIAL ALLOCATION PROCEDURES.—Upon determination by the State educational agency that a local educational agency in the State is unable or unwilling to provide for the special educational needs of children described in subparagraph (B) of section 1123(c)(1), who are living in institutions for neglected or delinquent children, the State educational agency shall, if the State educational agency assumes responsibility for the special educational needs of such children, be eligible to receive the portion of the allocation to such local educational agency which is attributable to such neglected or delinquent children, but if the State educational agency does not assume such responsibility, any other State or local public agency, as determined by regulations established by the Secretary, which does assume such responsibility, shall be eligible to receive such portion of the allocation.

(7) SPECIAL RULE.—A local educational agency may reserve not more than 2 percent of the funds such agency receives under this part for each fiscal year to provide services at the discretion of the highest administrative official (superintendent) of such agency and consistent with the purposes of this title to a school, if the school is within two rank orders described in section 1113(c) of the lowest such rank ordered school served under this part.

PART B—TRANSITION TO SUCCESS

SEC. 1201. TRANSITION TO SUCCESS.

(a) SHORT TITLE.—This part may be cited as the "Transitions to Success Act of 1994".

(b) TRANSITION TO SUCCESS CHALLENGE GRANTS.—

(1) FUNDING.—(A) Notwithstanding any other provision of law, the Secretary shall reserve 1 percent of the total amount made available to all States under part A for each fiscal year, to carry out this part for such year.

(B) From amounts reserved under subparagraph (A) the Secretary shall make available to each State 1 percent of the amount made available to each State under part A, to carry out this part.

(2) STATE INCENTIVE REQUIREMENTS.—(A) In order for a State to use the funds made available under paragraph (1), the State shall submit a transition coordinated services proposal to the Secretary as part of the plan submitted under section 1111.

(B) If a State fails to submit an acceptable proposal described in subparagraph (A)(i), local educational agencies within the State may apply to the Secretary directly for funds to carry out this part under such terms and conditions as the Secretary determines will best carry out the activities assisted under this part.

(3) IN GENERAL.—From amounts made available under paragraph (1), each State educational agency shall make challenge grants to local educational agencies that have formed consortia with early childhood development programs including, where available, Head Start, to develop and operate programs that assist low-income elementary school students in kindergarten through third grade (giving priority to students entering their first year of elementary school) and their families in—

(A) obtaining supportive services that build on the strength of families, including health, immunization, mental health, nutrition, parenting education, literacy, and social services (including substance abuse treatment, education, and prevention services); and

(B) supporting the active involvement of parents in the education of their children.

(4) SPECIAL RULE.—In awarding grants and administering the program assisted under this section, the State educational agency shall consult with the State liaison for the Head Start collaboration grant program under section 640(a)(5) of the Head Start Act and State agencies that administer early childhood development programs, including programs under the Child Care and Development Block Grant Act of 1990.

(5) TERM OF GRANT.—Each grant awarded under this part shall be for a period of not more than 3 years.

(c) CONSULTATION.—The Secretary shall consult with the Secretary of Health and Human Services to develop regulations and promote coordination of activities assisted under this part with the projects funded under the Head Start Transition Project Act, including a process to—

(1) collect information on program activities and outcomes; and

(2) disseminate information on model programs.

(d) ELIGIBILITY.—

(1) LOCAL EDUCATIONAL AGENCY CONSORTIUM.—A local educational agency shall be eligible for a grant under this part if such agency—

(A) receives funds under part A;

(B) has formed a consortium with one or more early childhood development programs that serve children who will enroll in any elementary school located within the

school district of such local educational agency, including, where available, Head Start programs; and

(C) agrees to contribute an amount equal to $1 of matching funds for every $1 made available to the local educational agency to carry out this part, which matching funds may include Federal funds, including funds made available under this Act, and State or local funds (including in-kind contributions, fairly evaluated).

(2) COOPERATING AGENCY.—A nonprofit agency or institution of higher education with experience in early childhood development may participate in a consortium formed under paragraph (1)(B) in developing, operating, and evaluating programs assisted under this part, including developing or implementing model approaches to developmentally appropriate curricula.

(e) FOLLOW THROUGH GRANTEES.—A local educational agency that is receiving assistance through a program under the Follow Through Act shall also be eligible for a grant under this part to complete their Follow Through grant cycle if such agency meets the requirements of subsection (d)(1).

(f) REQUIREMENTS.—

(1) IN GENERAL.—To the extent practicable, the State educational agency shall award grants under this part to consortia in both rural and urban areas.

(2) CRITERIA.—In awarding grants under this part, the State educational agency shall consider—

(A) the commitment of the members of the consortium to the program for which assistance under this part is requested;

(B) the proportion of low-income children in the school attendance area where the program assisted under this part will be located; and

(C) the quality of information and plans in the application.

(3) PRIORITY.—In awarding grants under this part, the State educational agency shall give priority to applicants that—

(A) will operate a program under this part at a school designated for a schoolwide program under section 1114;

(B) serve local educational agencies that have the highest number or percentage of poor children; and

(C) demonstrate a significant commitment by the community to the proposed program, as evidenced by the level of resources, both cash and in-kind, from other public and private sources available to the consortium.

(g) APPLICATION.—

(1) IN GENERAL.—Each local educational agency consortium seeking a grant under this part shall submit an application to the State educational agency according to guidelines established by the Secretary. Each such application shall include—

(A) a description of the activities and services for which assistance is sought;

(B) a description of members of the consortium formed under subsection (d)(1)(B), including any cooperating agency;

(C) a self-assessment of the programs of the individual consortium members to address the health, immunization, mental health, nutrition, parenting education, literacy, social service (including substance abuse treatment, education, and prevention), and educational needs of low-income students and their families, including the use of a developmentally appropriate curricula, such as a model approach developed under the Follow Through Act;

(D) a plan for the development of a supportive services team of family service coordinators to—

(i) assist families, administrators, and teachers to respond to health, immunization, mental health, nutrition, social service, and educational needs of students;

(ii) conduct home visits and help students and their families to obtain health, immunization, mental health, nutrition, parenting education, literacy, education (including tutoring and remedial services), and social services (including substance abuse treatment, education, and prevention), for which such students and their families are eligible;

(iii) coordinate a family outreach and support program, including a plan for involving parents in the management of the program assisted under this part, in cooperation with parental involvement efforts undertaken pursuant to this title, the Head Start Act, and the Individuals with Disabilities Education Act, including school-parent compacts, parent volunteer activities, parent education services such as the Even Start program, and regular meetings;

(iv) assist families, administrators, and teachers in enhancing developmental continuity between the programs assisted under the Head Start Act, other early childhood development programs, and elementary school classes; and

(v) prepare a plan for the transition of each child from Head Start, or other early childhood development program, to kindergarten, including—

(I) a meeting of the early childhood development program teacher with the kindergarten teacher and the child's parents to discuss the transition of each child and to address any particular educational needs of such child; and

(II) the transfer of knowledge about the child, including the transfer (with parental consent) of written records from the early childhood development program teacher to the kindergarten teacher to become part of the school record of the child;

(E) the designation of a member of the supportive services team described in subparagraph (D) who will serve as the supervisor of such supportive services team;

(F) assurances that State agencies, local agencies, and community-based organizations that provide supportive services to low-income students served by the local edu-

cational agency consortium have been consulted in the preparation of the plan described in subparagraph (D);

(G) assurances that State agencies, local agencies, and community-based organizations that provide supportive services to low-income students served by the local educational agency consortium will designate an individual who will act as a liaison to the supportive services team described in subparagraph (D);

(H) a description of the target population to be served by the supportive services team described in subparagraph (D), including families previously served under part C, the Head Start Act, or other comparable early childhood development program;

(I) a description of the supportive services to be provided, directly or through referral;

(J) a plan to ensure the smooth transition of children served under part C, the Head Start Act, the Individuals with Disabilities Education Act, and other comparable early childhood development programs, to elementary schools;

(K) assurances that, and a plan describing how, families will be involved in the design and operation of the program assisted under this part;

(L) a description of the Federal and non-Federal resources that will be used to carry out the program;

(M) if the applicant is receiving assistance through a program under the Follow Through Act—

(i) a description of the activities that will be funded under this part and the activities that are funded with assistance provided under the Follow Through Act; and

(ii) a description of the manner in which activities funded under this part and activities funded with assistance provided under the Follow Through Act will be coordinated within the elementary school;

(N) assurances that the supportive services described in subparagraph (D) will be equipped to assist children and families with limited-English proficiency and disabilities, if appropriate;

(O) a plan describing how the program assisted under this part will be sustained, with funding received under part A or other Federal and non-Federal funding sources, after the grant has expired;

(P) program goals and a methodology to measure progress toward achieving such goals; and

(Q) such other information as the Secretary may reasonably require.

(2) SPECIAL RULE.—Each supportive services team developed pursuant to paragraph (1)(D) shall include at least 1 family service coordinator for every 35 children to be served.

(h) EVALUATION AND REPORT.—

(1) EVALUATION.—The Secretary, in cooperation with the Secretary of Health and Human Services shall, through grants, contracts, or cooperative agreements, provide for the evaluation

of the programs assisted under this part. To the extent practicable, such evaluation shall be conducted jointly with evaluations of the Head Start Transition Projects.

(2) INFORMATION.—Each State educational agency shall furnish to the Secretary such information as the Secretary shall request to carry out the evaluation described in paragraph (1).

SEC. 1202. COORDINATION REQUIREMENTS.

(a) IN GENERAL.—Each local educational agency receiving assistance under section 1113 may use such assistance to carry out the activities described in subsection (b) to the extent feasible and appropriate to the circumstances, including the extent to which such local educational agency is able to secure the cooperation of parents and local Head Start agencies and, if feasible, other early childhood development programs.

(b) ACTIVITIES.—The activities referred to in subsection (a) are activities that increase coordination between the local educational agency and a Head Start agency, and, if feasible, other early childhood development programs, serving children who will attend the schools of such agency, including—

(1) developing and implementing a systematic procedure for receiving records regarding such children transferred with parental consent from a Head Start program or, where applicable, other early childhood development programs;

(2) establishing channels of communication between school staff and their counterparts in such Head Start agencies (including teachers, social workers, and health staff) or other early childhood development programs, as appropriate, to facilitate coordination of programs;

(3) conducting meetings involving parents, kindergarten or elementary school teachers, and Head Start teachers or, if appropriate, teachers from other early childhood development programs, to discuss the developmental and other needs of individual children; and

(4) organizing and participating in joint transition related training of school staff, Head Start staff, and, where appropriate, other early childhood staff.

(c) COORDINATION OF REGULATIONS.—The Secretary shall work with the Secretary of Health and Human Services to coordinate regulations promulgated under this part with regulations promulgated under the Head Start Act Amendments of 1994.

SEC. 1203. DEFINITIONS.

As used in this part:

(1) DEVELOPMENTALLY APPROPRIATE CURRICULUM.—The term "developmentally appropriate curriculum" means a curriculum that is appropriate for the age and all areas of individual development of a child, including educational, physical, emotional, social, and cognitive development, and communication.

(2) FAMILY SERVICES COORDINATOR.—The term "family services coordinator" means an individual who is trained to assist families in obtaining supportive services. Such individual may be an existing employee of a local educational agency or Head Start agency.

(3) HEAD START AGENCY.—The term "Head Start agency" means any agency designated as a Head Start agency under the Head Start Act (42 U.S.C. 9831 et seq.).

(4) SUPPORTIVE SERVICES.—The term "supportive services" means services that will enhance the physical, social, emotional, and intellectual development of low-income children, including the provision of necessary support to the parents and other family members of such children.

PART C—EVEN START FAMILY LITERACY PROGRAMS

SEC. 1301. STATEMENT OF PURPOSE.

It is the purpose of this part to help break the cycle of poverty and illiteracy by improving the educational opportunities of the Nation's low-income families by integrating early childhood education, adult literacy or adult basic education, and parenting education into a unified family literacy program, to be referred to as "Even Start". The program shall—

(1) be implemented through cooperative projects that build on existing community resources to create a new range of services;

(2) promote achievement of the National Education Goals; and

(3) assist children and adults from low-income families to achieve to challenging State content standards and challenging State student performance standards.

SEC. 1302. PROGRAM AUTHORIZED.

(a) RESERVATION FOR MIGRANT PROGRAMS, OUTLYING AREAS, AND INDIAN TRIBES.—In each fiscal year, the Secretary shall reserve not more than 5 percent of the amount appropriated under section 1002(b) for programs, under such terms and conditions as the Secretary shall establish, that are consistent with the purpose of this part, and according to their relative needs, for—

(1) children of migratory workers;

(2) the outlying areas; and

(3) Indian tribes and tribal organizations.

(b) RESERVATION FOR FEDERAL ACTIVITIES.—From amounts appropriated under section 1002(b), the Secretary may reserve not more than 3 percent of such amounts or the amount reserved to carry out the activities described in paragraphs (1) and (2) for the fiscal year 1994, whichever is greater, for purposes of—

(1) carrying out the evaluation required by section 1309; and

(2) providing, through grants or contracts with eligible organizations, technical assistance, program improvement, and replication activities.

(c) RESERVATION FOR GRANTS.—

(1) GRANTS AUTHORIZED.—In any fiscal year in which the amount appropriated to carry out this part exceeds the amount appropriated to carry out this part for the preceding fiscal year, the Secretary may reserve such funds in excess of the amount appropriated for such preceding fiscal years as do not exceed $1,000,000 to award grants, on a competitive basis, to States to enable such States to plan and implement, through literacy re-

source centers assisted under subpart 7 of part B of the Adult Education Act, statewide family literacy initiatives to coordinate and integrate existing Federal, State, and local literacy resources consistent with the purposes of this part.

(2) MATCHING REQUIREMENT.—The Secretary shall not make a grant to a State under paragraph (1) unless the State agrees that, with respect to the costs to be incurred by the eligible consortium in carrying out the activities for which the grant was awarded, the State will make available non-Federal contributions in an amount equal to not less than the Federal funds provided under the grant.

(d) STATE ALLOCATION.—

(1) IN GENERAL.—From amounts appropriated under section 1002(b) and not reserved under subsections (a), (b), and (c), the Secretary shall make grants to States from allocations under paragraph (2).

(2) ALLOCATIONS.—Except as provided in paragraph (3), from the total amount available for allocation to States in any fiscal year, each State shall be eligible to receive a grant under paragraph (1) in an amount that bears the same ratio to such total amount as the amount allocated under section 1122 to that State bears to the total amount allocated under that section to all the States.

(3) MINIMUM.—No State shall receive a grant under paragraph (1) in any fiscal year in an amount which is less than $250,000, or one-half of 1 percent of the amount appropriated under section 1002(b) and not reserved under subsections (a), (b), and (c) for such year, whichever is greater.

(e) DEFINITIONS.—For the purpose of this part—

(1) the term "eligible entity" means a partnership composed of both—

(A) a local educational agency; and

(B) a nonprofit community-based organization, a public agency, an institution of higher education, or a public or private nonprofit organization of demonstrated quality;

(2) the term "eligible organization" means any public or private nonprofit organization with a record of providing effective services to family literacy providers, such as the National Center for Family Literacy, Parents as Teachers, Inc., the Home Instruction Program for Preschool Youngsters, and the Home and School Institute, Inc.;

(3) the terms "Indian tribe" and "tribal organization" have the meanings given such terms in section 4 of the Indian Self-Determination and Education Assistance Act; and

(4) the term "State" includes each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

SEC. 1303. STATE PROGRAMS.

(a) STATE LEVEL ACTIVITIES.—Each State that receives a grant under section 1302(d)(1) may use not more than 5 percent of the grant funds for the costs of—

(1) administration; and

(2) providing, through one or more subgrants or contracts, technical assistance for program improvement and replication, to eligible entities that receive subgrants under subsection (b).

(b) Subgrants for Local Programs.—

(1) In general.—Each State shall use the grant funds received under section 1302(d)(1) and not reserved under subsection (a) to award subgrants to eligible entities to carry out Even Start programs.

(2) Minimum.—No State shall award a subgrant under paragraph (1) in an amount less than $75,000, except that a State may award one subgrant in each fiscal year of sufficient size, scope, and quality to be effective in an amount less than $75,000 if, after awarding subgrants under paragraph (1) for such fiscal year in amounts of $75,000 or greater, less than $75,000 is available to the State to award such subgrants.

SEC. 1304. USES OF FUNDS.

(a) In General.—In carrying out a program under this part, a recipient of funds under this part shall use such funds to pay the Federal share of the cost of providing family-centered education programs that involve parents and children in a cooperative effort to help parents obtain educational skills and become full partners in the education of their children and to assist children in reaching their full potential as learners.

(b) Federal Share Limitation.—

(1) In general.—(A) Except as provided in paragraph (2), the Federal share under this part may not exceed—

(i) 90 percent of the total cost of the program in the first year that such program receives assistance under this part or its predecessor authority;

(ii) 80 percent in the second such year;

(iii) 70 percent in the third such year;

(iv) 60 percent in the fourth such year; and

(v) 50 percent in any subsequent such year.

(B) The remaining cost of a program assisted under this part may be provided in cash or in kind, fairly evaluated.

(2) Waiver.—The State educational agency may waive, in whole or in part, the cost-sharing requirement described in paragraph (1) for an eligible entity if such entity—

(A) demonstrates that such entity otherwise would not be able to participate in the program assisted under this part; and

(B) negotiates an agreement with the State educational agency with respect to the amount of the remaining cost to which the waiver will be applicable.

(3) Prohibition.—Federal funds provided under this part may not be used for the indirect costs of a program assisted under this part, except that the Secretary may waive this paragraph if an eligible recipient of funds reserved under section 1302(a)(3) demonstrates to the Secretary's satisfaction that such recipient otherwise would not be able to participate in the program assisted under this part.

SEC. 1305. PROGRAM ELEMENTS.

Each program assisted under this part shall—

(1) include the identification and recruitment of those families most in need of services provided under this part, as indicated by a low level of income, a low level of adult literacy or

English language proficiency of a parent who is an eligible participant, and other need-related indicators;

(2) include screening and preparation of parents, including teenage parents, and children to enable such parents and children to participate fully in the activities and services provided under this part, including testing, referral to necessary pupil services, and other developmental and support services;

(3) be designed to accommodate the participants work and other responsibilities, including the provision of pupil services (when such pupil services are unavailable from other sources) necessary for participation in the activities assisted under this part, such as—

(A) scheduling and location of services to allow joint participation by parents and children;

(B) child care for the period that parents are involved in the program provided under this part; and

(C) transportation for the purpose of enabling parents and their children to participate in programs authorized by this part;

(4) include high-quality instructional programs that promote adult literacy, training of parents to support the educational growth of their children, developmentally appropriate early childhood educational services, and preparation of children for success in regular school programs;

(5) include qualified personnel to develop, administer, and implement the program assisted under this part;

(6) include special training of staff, including child care staff, to develop the skills necessary to work with parents and young children in the full range of instructional services offered through this part;

(7) provide and monitor integrated instructional services to participating parents and children through home-based programs;

(8) operate on a year-round basis, including the provision of some instructional or enrichment services during the summer months;

(9) be coordinated with—

(A) other programs assisted under this title and Act;

(B) any relevant programs under the Adult Education Act, the Individuals with Disabilities Education Act, and the Job Training Partnership Act; and

(C) the Head Start program, volunteer literacy programs, and other relevant programs;

(10) ensure that the programs will serve those families most in need of the activities and services provided by this part;

(11) provide services under this part to individuals with special needs, such as individuals with limited-English proficiency and individuals with disabilities;

(12) encourage eligible participants to remain in the program for a time sufficient to meet the program's purpose; and

(13) provide for an independent evaluation of the program.

SEC. 1306. ELIGIBLE PARTICIPANTS.

(a) In General.—Except as provided in subsection (b), eligible participants in an Even Start program are—

BEST COPY AVAILABLE

(1) a parent or parents—

(A) who are eligible for participation in an adult basic education program under the Adult Education Act; or

(B) who are within the State's compulsory school attendance age range, so long as a local educational agency provides (or ensures the availability of) the basic education component required under this part; and

(2) the child or children, from birth through age seven, of any individual described in paragraph (1).

(b) ELIGIBILITY FOR CERTAIN OTHER PARTICIPANTS.—

(1) IN GENERAL.—Family members of eligible participants described in subsection (a) may participate in activities and services provided under this part, when appropriate to serve the purpose of this part.

(2) SPECIAL RULE.—Any family participating in a program assisted under this part that becomes ineligible for such participation as a result of one or more members of the family becoming ineligible for such participation may continue to participate in the program until all members of the family become ineligible for such participation, which—

(A) in the case of a family in which ineligibility was due to the child or children of such family attaining the age of eight, shall be in two years or when the parent or parents become ineligible due to educational advancement, whichever occurs first; and

(B) in the case of a family in which ineligibility was due to the educational advancement of the parent or parents of such family, shall be when all children in the family attain the age of eight.

SEC. 1307. APPLICATIONS.

(a) SUBMISSION.—To be eligible to receive a subgrant under this part, an eligible entity shall submit an application to the State educational agency in such form and containing or accompanied by such information as the State educational agency shall require.

(b) PLAN.—

(1) IN GENERAL.—Each such application shall include—

(A) a description of the program goals;

(B) a description of the activities and services that will be provided under the program, including a description of how the program will incorporate the program elements required by section 1305;

(C) a description of the population to be served and an estimate of the number of participants to be served;

(D) as appropriate, a description of the applicant's collaborative efforts with institutions of higher education, community-based organizations, the State educational agency, private elementary schools, or eligible organizations in carrying out the program for which assistance is sought; and

(E) a statement of the methods that will be used—

(i) to ensure that the programs will serve those families most in need of the activities and services provided by this part;

(ii) to provide services under this part to individuals with special needs, such as individuals with limited-English proficiency and individuals with disabilities; and

(iii) to encourage participants to remain in the program for a time sufficient to meet the program's purpose.

(2) DURATION OF THE PLAN.—Each plan submitted under paragraph (1)(A) shall—

(A) remain in effect for the duration of the eligible entity's participation under this part; and

(B) be periodically reviewed and revised by the eligible entity as necessary.

SEC. 1308. AWARD OF SUBGRANTS.

(a) SELECTION PROCESS.—

(1) IN GENERAL.—The State educational agency shall establish a review panel in accordance with subsection (b) that will approve applications that—

(A) are most likely to be successful in—

(i) meeting the purpose of this part; and

(ii) effectively implementing the program elements required under section 1305;

(B) demonstrate that the area to be served by such program has a high percentage or a large number of children and families who are in need of such services as indicated by high levels of poverty, illiteracy, unemployment, limited-English proficiency, or other need-related indicators, including a high percentage of children to be served by the program who reside in a school attendance area eligible for participation in programs under part A of this title;

(C) provide services for at least a three-year age range;

(D) demonstrate the greatest possible cooperation and coordination between a variety of relevant service providers in all phases of the program;

(E) include cost-effective budgets, given the scope of the application;

(F) demonstrate the applicant's ability to provide the remaining cost required by section 1304(b);

(G) are representative of urban and rural regions of the State; and

(H) show the greatest promise for providing models that may be adopted by other local educational agencies.

(2) REVIEW PANEL.—A review panel shall consist of at least three members, including one early childhood professional, one adult education professional, and one of the following individuals:

(A) A representative of a parent-child education organization.

(B) A representative of a community-based literacy organization.

(C) A member of a local board of education.

(D) A representative of business and industry with a commitment to education.

(E) An individual who has been involved in the implementation of programs under this title in the State.

(3) PRIORITY.—The State educational agency shall give priority to awarding subgrants under this subsection to applications describing programs that--

(A) target services primarily to families whose children reside in attendance areas of schools eligible for schoolwide programs under section 1114; or

(B) are located in areas designated as empowerment zones or enterprise communities.

(b) DURATION.—

(1) IN GENERAL.—Subgrants under this part may be awarded for a period not to exceed four years.

(2) STARTUP PERIOD.—The State educational agency may provide an eligible recipient, at such recipient's request, a 3- to 6-month startup period during the first year of the 4-year grant period, which may include staff recruitment and training, and the coordination of services, before requiring full implementation of the program.

(3) CONTINUING ELIGIBILITY.—In awarding subgrant funds to continue a program under this part for the second, third, or fourth year, the State educational agency shall review the progress being made toward meeting the objectives of the program after the conclusion of the startup period, if any.

(4) GRANT RENEWAL.—(A) An eligible entity that has previously received a subgrant under this part may reapply under this part for a second subgrant period.

(B) The Federal share of any subgrant renewed under subparagraph (A) shall not exceed 50 percent in any fiscal year.

(5) INSUFFICIENT PROGRESS.—The State educational agency may refuse to award subgrant funds if such agency finds that sufficient progress has not been made toward meeting such objectives, but only after affording the applicant notice and an opportunity for a hearing.

SEC. 1309. EVALUATION.

From funds reserved under section 1302(b)(1), the Secretary shall provide for an independent evaluation of programs assisted under this part—

(1) to determine the performance and effectiveness of programs assisted under this part; and

(2) to identify effective programs assisted under this part that can be duplicated and used in providing technical assistance to Federal, State, and local programs.

SEC. 1310. CONSTRUCTION.

Nothing in this part shall be construed to prohibit a recipient of funds under this part from serving students participating in Even Start simultaneously with students with similar educational needs, in the same educational settings where appropriate.

PART D—EDUCATION OF MIGRATORY CHILDREN

SEC. 1401. PROGRAM PURPOSE.

It is the purpose of this part to assist States to—

(1) support high-quality and comprehensive educational programs for migratory children to help reduce the educational disruptions and other problems that result from repeated moves;

(2) ensure that migratory children are provided with appropriate educational services (including supportive services) that address their special needs in a coordinated and efficient manner;

(3) ensure that migratory children have the opportunity to meet the same challenging State content standards and challenging State student performance standards that all children are expected to meet;

(4) design programs to help migratory children overcome educational disruption, cultural and language barriers, social isolation, various health-related problems, and other factors that inhibit the ability of such children to do well in school, and to prepare such children to make a successful transition to postsecondary education or employment; and

(5) ensure that migratory children benefit from State and local systemic reforms.

SEC. 1402. PROGRAM AUTHORIZED.

(a) IN GENERAL.—In order to carry out the purpose of this part, the Secretary shall make grants to State educational agencies, or combinations of such agencies, to establish or improve, directly or through local operating agencies, programs of education for migratory children in accordance with this part.

(b) DEFINITIONS.—As used in this part—

(1) the term "local operating agency" means—

(A) a local educational agency to which a State educational agency makes a subgrant under this part;

(B) a public or private nonprofit agency with which a State educational agency or the Secretary makes an arrangement to carry out a program or project under this part; or

(C) a State educational agency, if the State educational agency operates the State's migrant education program or projects directly; and

(2) the term "migratory child" means a child who is, or whose parent or guardian is, a migratory agricultural worker, including a migratory dairy worker, or a migratory fisher, and who, in the preceding 48 months, in order to obtain, or accompany such guardian or spouse in order to obtain, temporary or seasonal employment in agricultural or fishing work—

(A) has moved from one school district to another;

(B) in a State that is comprised of a single school district, has moved from one administrative area to another within such district; or

(C) resides in a school district of more than 15,000 square miles, and migrates a distance of 20 miles or more to a temporary residence to engage in a fishing activity.

SEC. 1403. STATE ALLOCATIONS.

(a) STATE ALLOCATIONS.—Each State (other than the Commonwealth of Puerto Rico) is eligible to receive an allocation under this part, for each fiscal year, in an amount equal to—

(1) the sum of the estimated number of migratory children aged three through 21 who reside in the State full time and the full-time equivalent of the estimated number of migratory children aged three through 21 who reside in the State part time, as determined in accordance with subsection (e); multiplied by

(2) 40 percent of the average per-pupil expenditure in the State, except that the amount determined under this paragraph shall not be less than 32 percent, or more than 48 percent, of the average per-pupil expenditure in the United States.

(b) ALLOCATION TO PUERTO RICO.—For each fiscal year, the amount for which the Commonwealth of Puerto Rico is eligible under this section shall be equal to—

(1) the number of migratory children in Puerto Rico, determined under subsection (a)(1); multiplied by

(2) the product of—

(A) the percentage that the average per-pupil expenditure in Puerto Rico is of the lowest average per-pupil expenditure of any of the 50 States; and

(B) 32 percent of the average per-pupil expenditure in the United States.

(c) RATABLE REDUCTIONS; REALLOCATIONS.—

(1) IN GENERAL.—(A) If, after the Secretary reserves funds under section 1408(c), the amount appropriated to carry out this part for any fiscal year is insufficient to pay in full the amounts for which all States are eligible, the Secretary shall ratably reduce each such amount.

(B) If additional funds become available for making such payments for any fiscal year, the Secretary shall allocate such funds to States in amounts that the Secretary determines will best carry out the purpose of this part.

(2) SPECIAL RULE.—(A) The Secretary shall further reduce the amount of any grant to a State under this part for any fiscal year if the Secretary determines, based on available information on the numbers and needs of migratory children in the State and the program proposed by the State to address those needs, that such amount is not needed by the State.

(B) The Secretary shall reallocate such excess funds to other States whose grants under this part would otherwise be insufficient to provide an appropriate level of services to migratory children, in such amounts as the Secretary determines are appropriate.

(d) CONSORTIUM ARRANGEMENTS.—

(1) IN GENERAL.—In the case of any State that receives a grant of $500,000 or less under this section, the Secretary shall consult with the State educational agency to determine whether consortium arrangements with another State or another appro-

priate entity would result in delivery of services in a more effective and efficient manner.

(2) PROPOSALS.—Any State, regardless of the amount of such State's allocation, may submit a consortium arrangement to the Secretary for approval.

(3) APPROVAL.—The Secretary shall approve a consortium arrangement under paragraph (1) or (2) if the proposal demonstrates that the arrangement will—

(A) reduce administrative costs or program function costs for State programs; and

(B) make more funds available for direct services to add substantially to the welfare or educational attainment of children to be served under this part.

(e) DETERMINING NUMBERS OF ELIGIBLE CHILDREN.—In order to determine the estimated number of migratory children residing in each State for purposes of this section, the Secretary shall—

(1) use such information as the Secretary finds most accurately reflects the actual number of migratory children; and

(2) adjust the full-time equivalent number of migratory children who reside in each State to take into account—

(A) the special needs of those children participating in special programs provided under this part that operate during the summer or other intersession periods; and

(B) the additional costs of operating such programs.

SEC. 1404. STATE APPLICATIONS; SERVICES.

(a) APPLICATION REQUIRED.—Any State wishing to receive a grant under this part for any fiscal year shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

(b) PROGRAM INFORMATION.—Each such application shall include—

(1) a description of how, in planning, implementing, and evaluating programs and projects assisted under this part, the State and its local operating agencies will ensure that the special educational needs of migratory children, including preschool migratory children, are identified and addressed through a comprehensive plan for needs assessment and service delivery that meets the requirements of section 1406;

(2) a description of the steps the State is taking to provide all migratory students with the opportunity to meet the same challenging State content standards and challenging State student performance standards that all children are expected to meet;

(3) a description of how the State will use its funds to promote interstate and intrastate coordination of services for migratory children, including how, consistent with procedures the Secretary may require, the State will provide for educational continuity through the timely transfer of pertinent school records, including information on health, when children move from one school to another, whether or not such move occurs during the regular school year;

(4) a description of the State's priorities for the use of funds received under this part, and how such priorities relate to the State's assessment of needs for services in the State; and

(5) a description of how the State will determine the amount of any subgrants the State will award to local operating agencies and the amount of funds that such agencies will provide to individual schools, taking into account the requirements of paragraph (1).

(c) ASSURANCES.—Each such application shall also include assurances, satisfactory to the Secretary, that—

(1) such programs and projects will be carried out in a manner consistent with the objectives of sections 1114, 1115(b), 1115(e), 1117, 1120(b), and 1120(c), and part G;

(2) in the planning and operation of such programs and projects at both the State and local operating agency level, there is appropriate consultation with parent advisory councils for programs of one school year in duration, and that all such programs and projects are carried out, to the extent feasible, in a manner consistent with section 1116;

(3) the effectiveness of such programs and projects will be determined, where feasible, using the same approaches and standards that will be used to assess the performance of students, schools, and local educational agencies under part A; and

(4) to the extent feasible, such programs and projects will provide for—

(A) advocacy and outreach activities for migratory children and their families, including informing such children and families of, or helping such children and families gain access to, other education, health, nutrition, and social services;

(B) professional development programs, including mentoring, for teachers and other program personnel;

(C) family literacy programs, including such programs that use models developed under Even Start;

(D) the integration of information technology into educational and related programs; and

(E) programs to facilitate the transition of secondary school students to postsecondary education or employment; and

(5) the State will assist the Secretary in determining the number of migratory children under section 1403(e), through such procedures as the Secretary may require.

(d) PRIORITY FOR SERVICES.—In providing services with funds received under this part, each recipient of such funds shall give priority to migratory children who are failing, or most at risk of failing, to meet the State's challenging State content standards and challenging State student performance standards, and whose education has been interrupted during the regular school year.

(e) CONTINUATION OF SERVICES.—Notwithstanding any other provision of this part—

(1) a child who ceases to be a migratory child during a school term shall be eligible for services until the end of such term; and

(2) a child who is no longer a migratory child may continue to receive services for one additional school year, but only if comparable services are not available through other programs.

SEC. 1405. SECRETARIAL APPROVAL; PEER REVIEW.

(a) SECRETARIAL APPROVAL.—The Secretary shall approve each application under this part that meets the requirements of this part.

(b) PEER REVIEW.—The Secretary may review any application under this part with the assistance and advice of State officials and other individuals with relevant expertise.

SEC. 1406. COMPREHENSIVE NEEDS ASSESSMENT AND SERVICE-DELIVERY PLAN; AUTHORIZED ACTIVITIES.

(a) COMPREHENSIVE PLAN.—

(1) IN GENERAL.—Each State that receives assistance under this part shall ensure that the State and its local operating agencies identify and address the special educational needs of migratory children in accordance with a comprehensive State plan that—

(A) provides that migratory children will have an opportunity to meet the same challenging State content standards and challenging State student performance standards, set out in such plans, that all children are expected to meet;

(B) specifies measurable program goals and outcomes;

(C) encompasses the full range of services that are available for migratory children from appropriate local, State and Federal educational programs;

(D) is the product of joint planning among such local, State, and Federal programs, including programs under part A, early childhood programs, and bilingual education programs under part A of title VII; and

(E) provides for the integration of services available under this part with services provided by such other programs.

(2) DURATION OF THE PLAN.—Each such comprehensive State plan shall—

(A) remain in effect for the duration of the State's participation under this part; and

(B) be periodically reviewed and revised by the State, as necessary, to reflect changes in the State's strategies and programs under this part.

(b) AUTHORIZED ACTIVITIES.—

(1) IN GENERAL.—In implementing the comprehensive plan described in subsection (a), each local operating agency shall have the flexibility to determine the activities to be provided with funds made available under this part, except that—

(A) before funds under this part are used to provide services described in subparagraph (B), such funds shall be used to meet the identified needs of migratory children that—

(i) result from the effects of their migratory lifestyle, or are needed to permit migratory children to participate effectively in school; and

(ii) are not addressed by services provided under other programs, including programs under part A;

(B) all migratory children who are eligible to receive services under part A shall receive such services with funds provided under this part or under part A; and

(C) funds received under this part shall be used only—

(i) for programs and projects, including the acquisition of equipment, in accordance with section 1406(b)(1); and

(ii) to coordinate such programs and projects with similar programs and projects within the State and in other States, as well as with other Federal programs that can benefit migratory children and their families.

(2) CONSTRUCTION.—Nothing in this part shall be construed to prohibit a local operating agency from serving migrant students simultaneously with students with similar educational needs, in the same educational settings where appropriate.

(3) INAPPLICABILITY.—This subsection shall not apply to funds under this part that are used for schoolwide programs under section 1114.

SEC. 1407. BYPASS.

The Secretary may use all or part of any State's allocation under this part to make arrangements with any public or nonprofit agency to carry out the purpose of this part in such State if the Secretary determines that—

(1) the State is unable or unwilling to conduct educational programs for migratory children;

(2) such arrangements would result in more efficient and economic administration of such programs; or

(3) such arrangements would add substantially to the welfare or educational attainment of such children.

SEC. 1408. COORDINATION OF MIGRANT EDUCATION ACTIVITIES.

(a) IMPROVEMENT OF COORDINATION.—

(1) IN GENERAL.—The Secretary, in consultation with the States, may make grants to, or enter into contracts with, State educational agencies, local educational agencies, institutions of higher education, and other public and private entities to improve the interstate and intrastate coordination among such agencies' educational programs, including the establishment or improvement of programs for credit accrual and exchange, available to migratory students.

(2) EXTENSION.—The Secretary may extend until January 1, 1996 the contract for the operation of the migrant student record transfer system under section 1203(a)(2)(A) of this Act (as such section was in existence on the day preceding the date of enactment of the Improving America's Schools Act of 1994).

(b) REPORT.—Not later than October 1, 1995, the Secretary shall submit a report to the Congress regarding the effectiveness of methods used by States to transfer migratory students' educational and health records.

(c) AVAILABILITY OF FUNDS.—For the purpose of carrying out this section in any fiscal year, the Secretary shall reserve not more than $6,000,000 of the amount appropriated to carry out this part for such year.

(d) INCENTIVE GRANTS.—From the amounts made available to carry out this section, the Secretary may reserve not more than $1,500,000 to award grants in amounts of not more than $100,000 to each State educational agency entering into a consortium agreement described in section 1403(d).

PART E—EDUCATION FOR NEGLECTED AND DELINQUENT YOUTH

SEC. 1501. PURPOSE; PROGRAM AUTHORIZED.

(a) PURPOSE.—It is the purpose of this part to—

(1) improve educational services to children in institutions for neglected or delinquent children so that such children have the opportunity to meet the same challenging State content standards and challenging State student performance standards that all children in the State will be expected to meet; and

(2) provide such children the services such children need to make a successful transition from institutionalization to further schooling or employment.

(b) PROGRAM AUTHORIZED.—In order to carry out the purpose of this part, the Secretary shall make grants to State educational agencies to enable such State educational agencies to award subgrants to State agencies to establish or improve programs of education for neglected or delinquent children in accordance with this part.

SEC. 1502. ELIGIBILITY.

A State agency is eligible for assistance under this part if such State agency is responsible for providing free public education for children—

(1) in institutions for neglected or delinquent children;

(2) attending community day programs for neglected or delinquent children; or

(3) in adult correctional institutions.

SEC. 1503. ALLOCATION OF FUNDS.

(a) SUBGRANTS TO STATE AGENCIES.—

(1) IN GENERAL.—Each State agency described in section 1502 (other than an agency in the Commonwealth of Puerto Rico) is eligible to receive a subgrant under this part, for each fiscal year, an amount equal to the product of—

(A) the number of neglected or delinquent children described in section 1502 who—

(i) are enrolled for at least 15 hours per week in education programs in adult correctional institutions; and

(ii) are enrolled for at least 20 hours per week—

(I) in education programs in institutions for neglected or delinquent children; or

(II) in community day programs for neglected or delinquent children; and

(B) 40 percent of the average per-pupil expenditure in the State, except that the amount determined under this paragraph shall not be less than 32 percent, or more than 48 percent, of the average per-pupil expenditure in the United States.

(2) SPECIAL RULE.—The number of neglected or delinquent children determined under paragraph (1) shall—

(A) be determined by the State agency by a date or dates set by the Secretary, except that no State agency shall be required to determine the number of such children on a specific date set by the Secretary; and

(B) be adjusted, as the Secretary determines is appropriate, to reflect the relative length of such agency's annual programs.

(b) SUBGRANTS TO STATE AGENCIES IN PUERTO RICO.—For each fiscal year, the amount of the subgrant for which a State agency in the Commonwealth of Puerto Rico is eligible under this part shall be equal to—

(1) the number of children counted under subsection (a)(1) for Puerto Rico; multiplied by

(2) the product of—

(A) the percentage that the average per-pupil expenditure in Puerto Rico is of the lowest average per-pupil expenditure of any of the 50 States; and

(B) 32 percent of the average per-pupil expenditure in the United States.

(c) RATABLE REDUCTIONS IN CASE OF INSUFFICIENT APPROPRIATIONS.—If the amount appropriated for any fiscal year for subgrants under subsections (a) and (b) is insufficient to pay the full amount for which all agencies are eligible under such subsections, the Secretary shall ratably reduce each such amount.

(d) PAYMENTS TO STATE EDUCATIONAL AGENCIES.—

(1) IN GENERAL.—The Secretary shall pay to each State educational agency the total amount needed to make subgrants to State agencies in that State, as determined under this section.

(2) ADMINISTRATIVE EXPENSES.—Each State educational agency may retain a portion of such total amount for State administration of, in accordance with section 1701(b).

SEC. 1504. STATE REALLOCATION OF FUNDS.

If a State educational agency determines that a State agency does not need the full amount of the subgrant for which such State agency is eligible under this part for any fiscal year, the State educational agency may reallocate the amount that will not be needed to other State agencies that need additional funds to carry out the purpose of this part, in such amounts as the State educational agency shall determine.

SEC. 1505. STATE PLAN AND STATE AGENCY APPLICATIONS.

(a) STATE PLAN.—

(1) IN GENERAL.—Each State educational agency that desires to receive payments under this part shall submit, for approval by the Secretary, a plan for meeting the needs of neglected and delinquent children, which shall be revised and updated as needed to satisfy the requirements of this section.

(2) CONTENTS.—Each such State plan shall—

(A) describe the program goals, objectives, and performance measures established by the State that will be used to assess the effectiveness of the program in improving academic and vocational skills of children in the program;

(B) provide that, to the extent feasible, such children will have the same opportunities to learn as such children would have if such children were in the schools of local educational agencies in the State; and

(C) contain assurances that the State educational agency will—

(i) ensure that programs assisted under this part will be carried out in accordance with the State plan described in this subsection; and

(ii) carry out the evaluation requirements of section 1509 of this part.

(3) DURATION OF THE PLAN.—Each such State plan shall—

(A) remain in effect for the duration of the State's participation under this part; and

(B) be periodically reviewed and revised by the State, as necessary, to reflect changes in the State's strategies and programs under this part.

(b) SECRETARIAL APPROVAL; PEER REVIEW.—

(1) IN GENERAL.—The Secretary shall approve each State plan that meets the requirements of this part.

(2) PEER REVIEW.—The Secretary may review any State plan with the assistance and advice of individuals with relevant expertise.

(c) STATE AGENCY APPLICATIONS.—Any State agency that desires to receive funds to carry out a program under this part shall submit an application to the State educational agency that—

(1) describes the procedures to be used, consistent with the State plan under part A, to assess the educational needs of the children to be served;

(2) describes the program, including a budget for the first year of the program, with annual updates to be provided to the State educational agency;

(3) describes how the program will meet the goals and objectives of the State plan under this part;

(4) describes how the State agency will consult with experts and provide the necessary training for appropriate staff, to ensure that the planning and operation of institution-wide projects under section 1507 are of high quality;

(5) describes how the agency will carry out the evaluation requirements of section 1509 and how the results of the most recent evaluation were used to plan and improve the program;

(6) includes data showing that the State agency has maintained fiscal effort as if such agency were a local educational agency, in accordance with section 10501;

(7) describes how the programs will be coordinated with other State and Federal programs administered by the State agency;

(8) describes how appropriate professional development will be provided to teachers and other staff; and

(9) designates an individual in each affected institution to be responsible for issues relating to the transition of children from the institution to locally operated programs.

SEC. 1506. USE OF FUNDS.

(a) IN GENERAL.—

(1) IN GENERAL.—A State agency shall use funds received under this part only for programs and projects that—

(A) are consistent with the State plan described in section 1505(a); and

(B) concentrate on providing participants with the knowledge and skills needed to make a successful transition to further education or employment.

(2) USES.—Such programs and projects—

(A) may include the acquisition of equipment;

(B) shall be designed to support educational services that—

(i) except for institution-wide projects under section 1507, are provided to children identified by the State agency as failing, or most at risk of failing, to meet the State's challenging State content standards and challenging State student performance standards;

(ii) supplement and improve the quality of the educational services provided to such children by the State agency; and

(iii) afford such children an opportunity to learn such standards;

(C) shall be carried out in a manner consistent with section 1120(b) and part G; and

(D) may include the costs of meeting the evaluation requirements of section 1509.

(b) SUPPLEMENT, NOT SUPPLANT.—A program under this part that supplements the number of hours of instruction students receive from State and local sources shall be considered to comply with the "supplement, not supplant" requirement of section 1120(b) without regard to the subject areas in which instruction is given during those hours.

SEC. 1507. INSTITUTION-WIDE PROJECTS.

(a) PROJECTS AUTHORIZED.—A State agency that provides free public education for children in an institution for neglected or delinquent children (other than an adult correctional institution) or attending a community-day program for such children may use funds received under this part to serve all children in, and upgrade the entire educational effort of, that institution or program if the State agency has developed, and the State educational agency has approved, a comprehensive plan for that institution or program that—

(1) provides for a comprehensive assessment of the educational needs of all individuals under the age of 21 in the institution or program;

(2) describes the steps the State agency has taken, or will take, to provide all children under age 21 with the opportunity to meet challenging State content standards and challenging State student performance standards in order to improve the likelihood that such children will complete secondary school and find employment after leaving the institution;

(3) describes the instructional program, pupil services, and procedures that will be used to meet the needs described in paragraph (1), including, to the extent feasible, the provision of mentors for students;

(4) specifically describes how such funds will be used;

(5) describes the measures and procedures that will be used to assess student progress;

(6) describes how the agency has planned, and will implement and evaluate, the institution-wide or program-wide project in consultation with personnel providing direct instructional services and support services in institutions or community-day

programs for neglected or delinquent children and personnel from the State educational agency; and

(7) includes an assurance that the State agency has provided for appropriate training to teachers and other instructional and administrative personnel to enable such teachers and personnel to carry out the project effectively.

(b) PROJECTS REQUIRED.—Beginning with school year 1996–1997, a State agency described in subsection (a) shall use funds received under this part only for institution-wide projects described in that subsection, except as provided in section 1510.

SEC. 1508. THREE-YEAR PROJECTS.

If a State agency operates a program or project under this part in which individual children are likely to participate for more than one year, the State educational agency may approve the State agency's application for a subgrant under this part for a period of not more than three years.

SEC. 1509. PROGRAM EVALUATIONS.

(a) SCOPE OF EVALUATION.—Each State agency that conducts a program or project under this part shall evaluate the program or project at least once every three years, disaggregating data on participants by sex, and if feasible, race, ethnicity or age, to determine the program or project's impact on the ability of participants to—

(1) maintain and improve educational achievement;

(2) accrue school credits that meet State requirements for grade promotion and secondary school graduation;

(3) make the transition to a regular program or other education program operated by a local educational agency; and

(4) complete secondary school and obtain employment after participants leave the institution.

(b) EVALUATION MEASURES.—In conducting each such evaluation with respect to subsection (a)(1), a State agency shall use multiple and appropriate measures of student progress.

(c) EVALUATION RESULTS.—Each State agency shall—

(1) submit the results of each evaluation under this section to the State educational agency; and

(2) use the results of evaluations under this section to plan and improve subsequent programs for participating children.

SEC. 1510. TRANSITION SERVICES.

(a) TRANSITION SERVICES.—Each State agency may reserve not more than 10 percent of the amount such agency receives under this part for any fiscal year to support projects that facilitate the transition of children from State-operated institutions for neglected and delinquent children into locally operated programs.

(b) CONDUCT OF PROJECTS.—A project supported under this section may be conducted directly by the State agency, or through a contract or other arrangement with one or more local educational agencies, other public agencies, or private nonprofit organizations.

(c) LIMITATION.—Any funds reserved under subsection (a) shall be used only to provide special educational services, which may include pupil services and mentoring, to neglected and delinquent children in schools other than State-operated institutions.

(d) CONSTRUCTION.—Nothing in this section shall be construed to prohibit a school that receives funds under subsection (a) from serv-

ing neglected and delinquent children simultaneously with students with similar educational needs, in the same educational settings where appropriate.

SEC. 1511. DEFINITIONS.

For the purpose of this part—

(1) the term "adult correctional institution" means a facility in which persons are confined as a result of a conviction for a criminal offense, including persons under 21 years of age;

(2) the term "community day program" means a regular program of instruction provided by a State agency at a community day school operated specifically for neglected or delinquent children;

(3) the term "institution for delinquent children" means a public or private residential facility for the care of children who have been adjudicated to be delinquent or in need of supervision; and

(4) the term "institution for neglected children" means a public or private residential facility, other than a foster home, that is operated for the care of children who have been committed to the institution or voluntarily placed in the institution under applicable State law, due to abandonment, neglect, or death of their parents or guardians.

PART F—FEDERAL EVALUATIONS AND DEMONSTRATIONS

SEC. 1601. EVALUATIONS.

(a) NATIONAL ASSESSMENT.—

(1) IN GENERAL.—The Secretary shall conduct a national assessment of programs assisted under this title, in coordination with the ongoing Chapter 1 Longitudinal Study under subsection (c) of this section, that shall be planned, reviewed, and conducted in consultation with an independent panel of researchers, State practitioners, local practitioners, and other appropriate individuals.

(2) EXAMINATION.—The assessment shall examine how well schools, local educational agencies, and States—

(A) are progressing toward the goal of all children served under this title reaching the State's challenging State content standards and challenging State student performance standards; and

(B) are accomplishing the purpose set forth in section 1001(d) to achieve the goal described in paragraph (1), including—

(i) ensuring challenging State content standards and challenging State student performance standards for all children served under this title and aligning the efforts of States, local educational agencies, and schools to help such children reach such standards;

(ii) providing children served under this title an enriched and accelerated educational program through schoolwide programs or through additional services

that increase the amount and quality of instructional time that such children receive;

(iii) promoting schoolwide reform and access for all children served under this title to effective instructional strategies and challenging academic content;

(iv) significantly upgrading the quality of the curriculum and instruction by providing staff in participating schools with substantial opportunities for professional development;

(v) coordinating services provided under all parts of this title with each other, with other educational and pupil services, including preschool services, and, to the extent feasible, with health and social service programs funded from other sources;

(vi) affording parents of children served under this title meaningful opportunities to participate in the education of their children at home and at school;

(vii) distributing resources to areas where needs are greatest;

(viii) improving accountability, as well as teaching and learning, by making assessments under this title congruent with State assessment systems; and

(ix) providing greater decisionmaking authority and flexibility to schools in exchange for greater responsibility for student performance.

(3) NAEP INFORMATION.—Where feasible, the Secretary shall use information gathered by the National Assessment of Educational Progress in carrying out this subsection.

(4) INTERIM AND FINAL REPORTS.—The Secretary shall submit an interim report summarizing the preliminary findings of the assessment to the President and the appropriate committees of the Congress and a final report of the findings of the assessment by January 1, 1998.

(b) STUDIES AND DATA COLLECTION.—

(1) IN GENERAL.—The Secretary may collect such data, as necessary, at the State, local, and school levels and conduct studies and evaluations, including national studies and evaluations, to assess on an ongoing basis the effectiveness of programs under this title and to report on such effectiveness on a periodic basis.

(2) MINIMUM INFORMATION.—At a minimum, the Secretary shall collect trend information on the effect of programs under this title. Such data shall complement the data collected and reported under subsections (a) and (c).

(c) NATIONAL LONGITUDINAL STUDY.—

(1) IN GENERAL.—The Secretary shall carry out an ongoing evaluation of the program assisted under part A of title I in order to provide the public, the Congress, and educators involved in such program, an accurate description of the short- and long-term effectiveness of such program and to provide information that can be used to improve such program's effectiveness in enabling students to meet high State content standards and State student performance standards, graduate from sec-

BEST COPY AVAILABLE

ondary school, and make successful transitions to postsecondary education and work. Such evaluation shall—

(A) have a longitudinal design that tracks cohorts of students within schools of differing poverty concentrations for at least 3 years which, when the cohorts are taken as a whole, provides a picture of such program's effectiveness over the elementary and secondary grades;

(B) be separate and independent from State and local assessments an evaluations required under this part and consistent with measuring the achievement of students to relative to high State content standards and State student performance standards;

(C) utilize the highest available content standards that are generally accepted as national in scope;

(D) provide information on all students, students served under this part, and, if funds are sufficient, information on students from low-income families, limited-English proficient students, and students with disabilities; and

(E) when feasible, collect, cross-tabulate, and report data by sex within race or ethnicity and socioeconomic status.

(2) USE.—The Secretary shall use the results of the evaluation described in paragraph (1) as part of the national assessment required by subsection (a) and shall report the data from such evaluation to the Congress and the public at least as frequently as reports are made under subsection (a)(4).

(d) DEVELOPMENTALLY APPROPRIATE MEASURES.—In conducting the national assessment under subsection (a) and the national longitudinal study under subsection (b), the Secretary shall use developmentally appropriate measures to assess student performance and progress.

(e) STUDY ON ESTIMATING STATE CHILD POVERTY COUNTS.—The Secretary shall—

(1) conduct a study to determine whether a feasible method exists for producing reliable estimates, between decennial census counts, of the number of school-aged children living in poverty by State in each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico; and

(2) use such a method, if one exists, to provide the Congress with such estimates.

SEC. 1602. DEMONSTRATIONS OF INNOVATIVE PRACTICES.

(a) DEMONSTRATION PROGRAMS TO IMPROVE ACHIEVEMENT.—

(1) IN GENERAL.—From the funds appropriated for any fiscal year under section 1002(g)(2), the Secretary may make grants to State educational agencies, local educational agencies, other public agencies, nonprofit organizations, and consortia of such entities to carry out demonstration projects that show the most promise of enabling children served under this title to meet challenging State content standards and challenging State student performance standards. Such projects shall include promising strategies such as—

(A) accelerated curricula, the application of new technologies to improve teaching and learning, extended learning time, and a safe and enriched full-day environment for

children to provide children the opportunity to reach such standards;

(B) coordinated pupil services programs;

(C) integration of education services with each other and with health, family, and other social services, particularly in empowerment zones and enterprise communities;

(D) effective approaches to whole school reform;

(E) programs that have been especially effective with limited-English proficient children, migratory children and other highly mobile students, children leaving institutions for neglected or delinquent children and returning to school, and homeless children and youth; and

(F) programs which are especially effective in recruiting, inducting and retraining highly qualified teachers for service in schools with low student achievement.

(2) EVALUATION.—The Secretary shall evaluate the demonstration projects supported under this title, using rigorous methodological designs and techniques, including control groups and random assignment, to the extent feasible, to produce reliable evidence of effectiveness.

(b) PARTNERSHIPS.—From funds appropriated under section 1002(g)(2) for any fiscal year, the Secretary may, directly or through grants or contracts, work in partnership with State educational agencies, local educational agencies, other public agencies, and nonprofit organizations to disseminate and use the highest quality research and knowledge about effective practices to improve the quality of teaching and learning in schools assisted under this title.

PART G—GENERAL PROVISIONS

SEC. 1701. FEDERAL REGULATIONS.

(a) IN GENERAL.—The Secretary is authorized to issue such regulations as are considered necessary to reasonably ensure that there is compliance with the specific requirements and assurances required by this title.

(b) PROCEDURE.—

(1) IN GENERAL.—Prior to publishing proposed regulations pursuant to this title, the Secretary shall convene regional meetings which shall provide input to the Secretary on the content of proposed regulations. Such meetings shall include representatives of Federal, State, and local administrators, parents, teachers, and members of local boards of education involved with implementation of programs under this title.

(2) PROPOSED REGULATIONS.—Subsequent to regional meetings and prior to publishing proposed regulations in the Federal Register, the Secretary shall prepare draft regulations and submit regulations on a minimum of 4 key issues to a modified negotiated rulemaking process as a demonstration of such process. The modified process shall waive application of the Federal Advisory Committee Act, but shall otherwise follow the guidance provided in the Administrative Conference of the United States in Recommendation 82-4, "Procedures for Negotiating Proposed Regulations" (47 Fed. Reg. 30708, June 18, 1982) and any successor regulation. Participants in the demonstration

shall be chosen by the Secretary from among participants in the regional meetings, representing the groups described in paragraph (1) and all geographic regions. The demonstration shall be conducted in a timely manner.

(3) EMERGENCY SITUATION.—In an emergency situation in which regulations pursuant to this title must be issued within a very limited time to assist State and local educational agencies with the operation of the program, the Secretary may issue a regulation without such prior consultation, but shall immediately thereafter convene regional meetings to review the emergency regulation prior to issuance in final form.

(c) LIMITATION.—Programs under this title may not be required to follow any 1 instructional model, such as the provision of services outside the regular classroom or school program.

SEC. 1702. STATE ADMINISTRATION.

(a) RULEMAKING.—

(1) IN GENERAL.—Each State that receives funds under this title shall—

(A) ensure that any State rules, regulations, and policies relating to this title conform to the purposes of this title;

(B) minimize such rules, regulations, and policies to which their local educational agencies and schools are subject; and

(C) identify any such rule, regulation, or policy as a State-imposed requirement.

(2) SPECIAL RULE.—State rules, regulations, and policies under this title shall support and facilitate local educational agency and school-level systemic reform designed to enable all children to meet the State's challenging State content standards and challenging State student performance standards.

(b) PAYMENT FOR STATE ADMINISTRATION.—Each State may reserve for the proper and efficient performance of its duties under this title the greater of—

(1) 1.5 percent of the funds received under subsections (a), (c), (d), (e), and (f) of section 1002; or

(2) $565,000, or $80,000 in the case of the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Virgin Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau.

(c) PAYMENT FOR SCHOOL IMPROVEMENT.—Each State may reserve for the proper and efficient performance of its duties under subsections (b)(5) and (c) of section 1118, and section 1119, the greater of—

(1) .75 percent of the funds received under subsections (a), (c), (d), (e), and (f) of section 1002; or

(2) $245,000, or $40,000 in the case of Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau.

(d) FEDERAL FUNDS TO SUPPLEMENT, NOT SUPPLANT, NON-FEDERAL FUNDS.—

(1) IN GENERAL.—(A) Except as provided in subparagraph (B), a State or local educational agency shall use funds received under this part only to supplement the amount of funds that

would, in the absence of such Federal funds, be made available from non-Federal sources for the education of pupils participating in programs assisted under this part, and not to supplant such funds.

(B) For the purpose of complying with subparagraph (A), a State or local educational agency may exclude supplemental State and local funds expended in any eligible school attendance area or school for programs that meet the requirements of section 1114 or 1115.

(2) SPECIAL RULE.—No local educational agency shall be required to provide services under this part through a particular instructional method or in a particular instructional setting in order to demonstrate its compliance with paragraph (1).

SEC. 1703. CONSTRUCTION.

(a) PROHIBITION OF FEDERAL MANDATES, DIRECTION OR CONTROL.—Nothing in this title shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school's specific instructional content or pupil performance standards and assessments, curriculum, or program of instruction as a condition of eligibility to receive funds under this title.

(b) EQUALIZED SPENDING.—Nothing in this title shall be construed to mandate equalized spending per pupil for a State, local educational agency, or school.

(c) BUILDING STANDARDS.—Nothing in this title shall be construed to mandate national school building standards for a State, local educational agency, or school.

TITLE II—IMPROVING TEACHING AND LEARNING

PART A—DWIGHT D. EISENHOWER PROFESSIONAL DEVELOPMENT PROGRAM

SEC. 2101. FINDINGS.

The Congress finds as follows:

(1) Reaching the third National Education Goal (all students will demonstrate mastery of challenging subject matter in the core academic subjects) and the fifth National Education Goal (United States students will become first in the world in mathematics and science achievement) requires a comprehensive educational reform strategy that involves parents, schools, government, communities, and other public and private organizations at all levels.

(2) A crucial component of the strategy for achieving these two goals is ensuring, through sustained and intensive high-quality professional development, that all teachers can provide challenging learning experiences in the core academic subjects for their students.

(3) The potential positive impact of high-quality professional development is underscored by recent research findings that—

(A) professional development must be focused on teaching and learning in order to change the opportunities of all students to achieve higher standards;

(B) effective professional development focuses on discipline-based knowledge and effective subject-specific pedagogical skills, involves teams of teachers, administrators, and pupil services personnel in a school and, through professional networks of teachers, administrators, pupil services personnel, and parents is interactive and collaborative, motivates by its intrinsic content and relationship to practice, builds on experience and learning-by-doing, and becomes incorporated into the everyday life of the school;

(C) professional development can dramatically improve classroom instruction and learning when teachers, administrators, pupil services personnel, and parents are partners in the development and implementation of such professional development; and

(D) new and innovative strategies for teaching to high standards will require time for teachers, outside of the time spent teaching, for instruction, practice, and collegial collaboration.

(4) Special attention must be given in professional development activities to ensure that education professionals are knowledgeable of, and make use of, strategies for serving populations that historically have lacked access to equal opportunities for advanced learning and career advancement.

(5) Professional development activities must prepare teachers, pupil services personnel, para-professionals and other staff in intervention strategies to—

(A) alleviate the need, and inappropriate referral, for special education services; and

(B) prepare staff to work collaboratively to educate students with disabilities placed into general education settings, consistent with the child's individualized education program.

(6) Professional development activities, designed in cooperation with parents, that focus on the complex social, emotional and mental health needs of children which may impede learning, can help teachers, administrators, and pupil services personnel assist children in overcoming barriers to academic success.

(7) Professional development is often a victim of budget reductions in fiscally difficult times.

(8) There are few incentives or sanctions operating to encourage teachers and administrators to work to prepare themselves to be more effective or to participate in challenging and effective professional development activities.

(9) Parental involvement is an important aspect of school reform and improvement. There is a need for special attention to ensure the effective involvement of parents in the education of their children. Professional development should include methods and strategies to better prepare teachers and administrators in involving parents. Programs are needed to provide parents

the training and development necessary to enable parents to participate fully and effectively in their children's education.

(10) The Federal Government has a vital role in helping to make sustained and intensive high-quality professional development in the core academic subjects become an integral part of the elementary and secondary education system.

SEC. 2102. PURPOSES.

It is the purpose of this part—

(1) to help ensure that teachers, other staff, and administrators have access to high-quality professional development that is aligned to challenging State content standards and challenging State student performance standards and to support the development and implementation of sustained and intensive high-quality professional development activities in the core academic subjects; and

(2) to help ensure that teachers, administrators, other staff, pupil services personnel, and parents have access to professional development that—

(A) is tied to challenging State content standards and challenging State student performance standards;

(B) reflects recent research on teaching and learning;

(C) includes strong academic content and pedagogical components;

(D) incorporates effective strategies, techniques, methods, and practices for meeting the educational needs of diverse student populations, including females, minorities, individuals with disabilities, limited-English proficient individuals, and economically disadvantaged individuals, in order to ensure that all students have the opportunity to achieve challenging State student performance standards;

(E) is of sufficient intensity and duration to have a positive and lasting impact on the teacher's performance in the classroom; and

(F) is part of the everyday life of the school and creates an orientation toward continuous improvement throughout the school.

SEC. 2103. AUTHORIZATION OF APPROPRIATIONS; ALLOCATION BETWEEN SUBPARTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this part, there are authorized to be appropriated $800,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

(b) ALLOCATION BETWEEN SUBPARTS.—Of the amounts appropriated to carry out this part for any fiscal year the Secretary shall make available—

(1) 5 percent of such amounts to carry out subpart 1, of which 10 percent of such 5 percent shall be available to carry out section 2114;

(2) 93.75 percent of such amounts to carry out subpart 2; and

(3) 1.25 percent of such amounts to carry out subpart 3.

Subpart 1—Federal Activities

SEC. 2111. PROGRAM AUTHORIZED.

(a) IN GENERAL.—The Secretary is authorized to make grants to, and enter into contracts and cooperative agreements with, local educational agencies, educational service agencies, State educational agencies, State agencies for higher education, institutions of higher education, and other public and private agencies, organizations, and institutions to—

(1) support activities of national significance that the Secretary determines will contribute to the development and implementation of high-quality professional development activities in the core academic subjects; and

(2) evaluate activities carried out under this subpart and subpart 2 in accordance with section 10701.

(b) REQUIREMENTS.—In carrying out the activities described in subsection (a), the Secretary shall coordinate professional development programs within the Department, particularly with those programs within the Office of Educational Research and Improvement, and shall consult and coordinate with the National Science Foundation, the National Endowment for the Humanities, the National Endowment for the Arts, the Institute of Museum Services, and other appropriate Federal agencies and entities.

SEC. 2112. AUTHORIZED ACTIVITIES.

The Secretary shall use funds available to carry out this subpart for activities that help meet the purposes of this part, such as—

(1) providing seed money to the entities described in section 2111(a) to develop the capacity of such entities to offer sustained and intensive high-quality professional development;

(2) professional development institutes that provide teams of teachers, or teachers, administrators, pupil services personnel and other staff, from individual schools, with professional development that contains strong and integrated disciplinary and pedagogical components;

(3) encouraging the development of local and national professional networks, including the Teacher Research Dissemination Demonstration Program under section 941(j) of the Educational Research, Development, Dissemination, and Improvement Act of 1994, that provide a forum for interaction among teachers of the core academic subjects and that allow the exchange of information on advances in content and pedagogy;

(4) supporting the National Board for Professional Teaching Standards;

(5) the development and dissemination of teaching standards in the core academic subjects;

(6) the development of exemplary methods of assessing teachers, other staff, and administrators for licensure and certification;

(7) the dissemination of models of high-quality professional development activities that train educators in strategies, techniques, methods, and practices for meeting the educational needs of historically underserved populations, including females, minorities, individuals with disabilities, limited-English

proficient individuals, and economically disadvantaged individuals, in order to ensure that all students have the opportunity to achieve challenging State student performance standards;

(8) activities that promote the transferability of licensure and certification of teachers and administrators among State and local jurisdictions;

(9) the development and testing of incentive strategies for motivating teachers, administrators, and pupil services personnel to help increase their effectiveness through professional development focused on teaching and learning and giving all students the opportunity to learn challenging State content standards and challenging State student performance standards;

(10) the development of innovative intervention strategies to—

(A) alleviate the need, and inappropriate referral, for special education services; and

(B) prepare general education and special education teachers, paraprofessionals and pupil services personnel in effective integration of students with disabilities into general education settings, consistent with the child's individualized education program;

(11) encouraging the development of innovative models for recruitment, induction, retention and assessment of new, highly qualified teachers, especially such teachers from historically underrepresented groups;

(12) the dissemination of information about voluntary national content standards and voluntary national performance standards and related models of high-quality professional development;

(13) the development and maintenance of a national clearinghouse for such core academic subjects as the Secretary determines are needed;

(14) joint activities with other Federal agencies and entities engaged in or supporting similar professional development efforts;

(15) the evaluation of programs under this subpart and subpart 2 in accordance with section 10701; and

(16) the development of programs which prepare teachers to incorporate environmental education in the core academic subjects.

SEC. 2113. EISENHOWER NATIONAL CLEARINGHOUSE FOR MATHEMATICS AND SCIENCE EDUCATION.

(a) CLEARINGHOUSE AUTHORIZED.—The Secretary, in consultation with the Director of the National Science Foundation, may award a grant or contract to establish an Eisenhower National Clearinghouse for Mathematics and Science Education (hereafter in this section referred to as the "Clearinghouse").

(b) APPLICATION AND AWARD BASIS.—Each entity desiring to establish and operate the Clearinghouse authorized by this section shall submit an application to the Secretary at such time, in such manner and accompanied by such information as the Secretary may reasonably require. The grant or contract awarded pursuant to paragraph (1) shall be made on a competitive, merit basis.

(c) DURATION.—The grant or contract awarded under this section shall be awarded for a period of 5 years and shall be reviewed by

the Secretary not later than 30 months from the date the grant or contract is awarded.

(d) USE OF FUNDS.—The grant or contract awarded under this section shall be used to—

(1) maintain a permanent repository of mathematics and science education instructional materials and programs for elementary and secondary schools, including middle schools (including, to the extent practicable, all materials and programs developed with Federal and non-Federal funds, such as instructional materials developed by the Department, materials developed by State and national mathematics and science programs assisted under this part, and other instructional materials) for use by the regional consortiums established under subpart 2 of part C and by the general public;

(2) compile information on all mathematics and science education programs administered by each Federal agency or department;

(3) disseminate information, programs, and instructional materials to the public, dissemination networks, and the regional consortiums under subpart 2 of part C;

(4) coordinate with identifiable and existing data bases containing mathematics and science curriculum and instructional materials, including Federal, non-Federal and, where feasible, international data bases;

(5) participate in collaborative meetings of representatives of the Clearinghouse and the regional consortiums under subpart 2 of part C to discuss issues of common interest and concern, to foster effective collaboration and cooperation in acquiring and distributing curriculum materials and programs, and to coordinate computer network access to the Clearinghouse and the resources of the regional consortiums, except that not more than 3 percent of the funds awarded under this section shall be used to carry out this paragraph; and

(6) gather qualitative and evaluative data on submissions to the Clearinghouse.

(e) SUBMISSION TO CLEARINGHOUSE.—Each Federal agency or department which develops mathematics or science education instructional material or programs, including the National Science Foundation and the Department, shall submit to the Clearinghouse copies of such material or programs.

(f) PEER REVIEW.—The Secretary shall establish a peer review process to select the recipient of the award under this subsection.

(g) STEERING COMMITTEE.—The Secretary may appoint a steering committee to recommend policies and activities for the Clearinghouse.

(h) APPLICATION OF COPYRIGHT LAWS.—Nothing in this section shall be construed to allow the use or copying, in any media, of any material collected by the Clearinghouse that is protected under the copyright laws of the United States unless the permission of the owner of the copyright is obtained. The Clearinghouse, in carrying out the provisions of this subsection, shall ensure compliance with title 17, United States Code.

(i) DISSEMINATION OF INFORMATION.—The Secretary shall disseminate information concerning the grant or contract awarded

under this section to State and local educational agencies and institutions of higher education. Such dissemination of information shall include examples of exemplary national programs in mathematics and science instruction and necessary technical assistance for the establishment of similar programs.

SEC. 2114. NATIONAL TEACHER TRAINING PROJECT.

(a) SHORT TITLE; FINDINGS; DEFINITIONS.—

(1) SHORT TITLE.—This section may be cited as the "National Teacher Training Project Act of 1994".

(2) FINDINGS.—The Congress finds that—

(A) teachers must be major players in educational reform in the United States;

(B) teachers are isolated from their peers and have virtually no time during the school day to consult with other teachers;

(C) there is a shortage of sustained, year-round professional development programs for teachers;

(D) successful teaching methods are not adequately shared among teachers;

(E) teachers are the best teachers of other teachers because practicing classroom teachers have experience that no outside consultant can match;

(F) it is important for universities and schools to collaborate on teacher development programs if teaching and learning are to be improved;

(G) pertinent research is not shared among teachers in a professional setting;

(H) exemplary teachers should be recognized for their abilities and contributions and encouraged to refine their teaching methods;

(I) each State should support a nationally based teacher training program that is modeled after the National Writing Project for teachers of the core academic subjects, including early childhood education, mathematics, science, English, civics and government, foreign languages, and arts;

(J) the National Writing Project is a nationally recognized and honored nonprofit organization that recognizes there are teachers in every region of the United States who have developed successful methods for teaching writing and that such teachers can be trained and encouraged to train other teachers;

(K) the National Writing Project is a collaborative university-school program which offers summer and school year inservice teacher training programs and a dissemination network to inform and teach teachers regarding developments in the field of writing;

(L) each year over 125,000 teachers voluntarily seek training in National Writing Project intensive summer institutes and workshops and school year inservice programs through 1 of the 155 sites located within the United States, and in 18 sites located outside of the United States;

(M) in the 20 years of its existence, over 1,100,000 teachers, administrators and parents have participated in National Writing Project programs;

(N) less than $16 per teacher was the average cost in Federal dollars for all teacher training at writing projects in academic year 1991–1992;

(O) for every dollar in Federal support, the National Writing Project provides over $5 in matching funds from States, local universities and schools, and the private sector;

(P) private foundation resources, although generous in the past concerning National Writing Project programs, are inadequate to fund all of the National Teacher Training Project sites needed, and the future of the program is in jeopardy without secure financial support;

(Q) the National Writing Project has become a model for programs in other fields, such as science, mathematics, history, literature, foreign languages, and the performing arts, and the development of programs in other fields should continue with the support of Federal funds; and

(R) each of the 50 States should participate in the National Teacher Training Project by establishing regional teacher training sites in early childhood development, mathematics, science, English, civics and government, foreign languages, and arts to serve all teachers within the State.

(3) DEFINITIONS.—For the purpose of this section—

(A) the term "contractor" means—

(i) a local educational agency;

(ii) an educational service agency; or

(iii) an institution of higher education that awards a bachelor's degree; and

(B) the term "eligible recipient" means a nonprofit educational organization which has as its primary purpose the improvement of student learning in one of the core academic subjects described in subsection (b)(2).

(b) GRANTS AUTHORIZED.—

(1) GRANTS TO ELIGIBLE RECIPIENTS.—The Secretary is authorized to award a grant to an eligible recipient to enable such recipient—

(A) to support and promote the establishment of teacher training programs in early childhood development and one of the nine core academic subjects described in paragraph (2), including the dissemination of effective practices and research findings regarding teacher training, and administrative activities;

(B) to support classroom research on effective teaching practices in such area; and

(C) to pay the Federal share of the cost of such programs and research.

(2) CORE SUBJECT AREAS.—To the extent feasible, the Secretary shall award a grant under paragraph (1) for the establishment of a National Teacher Training Project in early child-

hood development and in each of the following core academic subjects:

(A) Mathematics.
(B) Science.
(C) English.
(D) Civics and government.
(E) Foreign languages.
(F) Arts.
(G) Geography.
(H) History.
(I) Economics.

(3) NUMBER OF GRANTS AND ELIGIBLE RECIPIENTS.—The Secretary shall award not more than 10 grants under paragraph (1) to 10 different eligible recipients.

(4) EQUITABLE DISTRIBUTION.—The Secretary shall award grants under paragraph (1) to eligible recipients from different geographic areas of the United States.

(5) SPECIAL RULE.—Each grant under paragraph (1) shall be of sufficient size, scope and quality to be effective.

(6) ADMINISTRATIVE COSTS AND TECHNICAL ASSISTANCE.—Each eligible recipient receiving a grant under paragraph (1) may use not more than 5 percent of the grant funds for administrative costs and the costs of providing technical assistance to a contractor.

(c) GRANT REQUIREMENTS.—Each eligible recipient receiving a grant under subsection (b) shall—

(1) enter into a contract with a contractor under which such contractor agrees—

(A) to establish, operate, and provide the non-Federal share of the cost of teacher training programs in effective approaches and processes for the teaching of the subject matter for which such eligible recipient was awarded a grant, including approaches and processes to obtain parental involvement in a child's education; and

(B) to use funds received from the eligible recipient to pay the Federal share of the cost of establishing and operating teacher training programs described in subparagraph (A);

(2) make annual reports to the Secretary and be responsible for oversight of the funds expended at each teacher training program described in subparagraph (A); and

(3) meet such other conditions and standards as the Secretary determines to be necessary to assure compliance with this section and provide such technical assistance as may be necessary to carry out this section.

(d) TEACHER TRAINING PROGRAMS.—The teacher training programs described in subsection (b) shall—

(1) be conducted during the school year and during the summer months;

(2) train teachers who teach grades kindergarten through college;

(3) select teachers to become members of a National Teacher Training Project, which members shall conduct inservice workshops for other teachers in the area served by the National Teacher Training Project site;

(4) borrow teacher training principles and receive technical assistance from the National Writing Project; and

(5) encourage teachers from all disciplines to participate in such teacher training programs.

(e) FEDERAL SHARE.—The term "Federal share" means, with respect to the costs of teacher training programs described in subsection (b), 50 percent of such costs to the contractor

(f) APPLICATION.—Each eligible recipient desiring a grant under this section shall submit an application to the Secretary at such time, in such manner and accompanied by such information as the Secretary may reasonably require.

(g) PARTICIPANTS AND SELECTION PROCESS.—The selection process for participation in a teacher training program described in subsection (b) shall—

(1) reward exemplary teachers with varying levels of teaching experience who are nominated by other teachers and administrators;

(2) involve an application process to select participants for a summer program;

(3) ensure the selection of a geographically and ethnically diverse group of teachers by soliciting applications from teachers of both public and private institutions in rural, urban and suburban settings of every State; and

(4) automatically offer a place in a summer program to the "Teacher of the Year" chosen pursuant to a Federal or State teacher recognition program.

(h) LIMITATION.—A contractor entering into a contract under subsection (c)(1) shall not spend more than 5 percent of funds received under the contract for administrative costs.

Subpart 2—State and Local Activities

SEC. 2121. PROGRAM AUTHORIZED.

The Secretary is authorized to make grants to State educational agencies for the support of sustained and intensive high-quality professional development activities in the core academic subjects at the State and local levels.

SEC. 2122. ALLOCATION OF FUNDS.

(a) RESERVATION OF FUNDS.—From the amount available to carry out this subpart for any fiscal year, the Secretary shall reserve—

(1) ½ of 1 percent for the outlying areas, to be distributed among the outlying areas on the basis of their relative need, as determined by the Secretary in accordance with the purposes of this part;

(2) ½ of 1 percent for the Secretary of the Interior for programs under this part for professional development activities for teachers, other staff, and administrators in schools operated or funded by the Bureau of Indian Affairs.

(b) STATE ALLOTMENTS.—The Secretary shall allocate the amount available to carry out this subpart and not reserved under subsection (a) to each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico as follows, except that no State shall receive less than one-half of 1 percent of such amount:

(1) Fifty percent shall be allocated among such jurisdictions on the basis of their relative populations of individuals aged 5 through 17, as determined by the Secretary on the basis of the most recent satisfactory data.

(2) Fifty percent shall be allocated among such jurisdictions in accordance with the relative amounts such jurisdictions received under part A of title I for the preceding fiscal year.

(c) REALLOCATION.—If any jurisdiction does not apply for an allotment under subsection (b) for any fiscal year, the Secretary shall reallocate such amount to the remaining jurisdictions in accordance with that subsection.

SEC. 2123. WITHIN-STATE ALLOCATIONS.

Of the amounts received by any State under this subpart for any fiscal year—

(1) 75 percent shall be available for State level activities under section 2126 and local allowable activities under section 2129(b), of which—

(A) not more than 5 percent may be used for the administrative costs of the State educational agency;

(B) not more than 5 percent may be used for State-level activities under section 2126; and

(C) of the remaining amount—

(i) 50 percent shall be distributed to local educational agencies—

(I) for use in accordance with section 2129; and

(II) in accordance with the relative enrollments in public and private nonprofit elementary and secondary schools within the boundaries of such agencies; and

(ii) 50 percent of such amount shall be distributed to local educational agencies—

(I) for use in accordance with section 2129; and

(II) in accordance with the relative amount such agencies received under part A of title I of this Act for the preceding fiscal year; and

(2) 25 percent shall be available to the State agency for higher education for activities under section 2130, of which not more than 5 percent may be used for the administrative costs of the State agency for higher education.

SEC. 2124. PRIORITY FOR PROFESSIONAL DEVELOPMENT IN MATHEMATICS AND SCIENCE.

(a) APPROPRIATION OF LESS THAN $250,000,000.—In any fiscal year for which the amount appropriated for this part is less than $250,000,000, each State shall ensure that all funds distributed in accordance with section 2123(1)(C) are used for professional development in mathematics and science.

(b) APPROPRIATION EQUAL TO OR ABOVE $250,000,000.—In any fiscal year for which the amount appropriated for this part is at least $250,000,000, each State shall ensure that the amount of funds distributed in accordance with section 2123(1)(C) that is used for professional development in mathematics and science is not less than the amount that bears the same ratio to the total amount of funds so distributed as the sum of $250,000,000 plus at least 10

percent of the amount appropriated for this part for such year in excess of $250,000,000 bears to the total amount appropriated for this part for such year.

SEC. 2125. STATE APPLICATIONS.

(a) APPLICATIONS REQUIRED.—Each State educational agency that wishes to receive an allotment under this subpart for any fiscal year shall submit an application to the Secretary at such time and in such form as the Secretary may require.

(b) PROFESSIONAL DEVELOPMENT PLAN.—

(1) IN GENERAL.—Each application under this section shall include a State plan for professional development that satisfies the requirements of this section.

(2) CONTENTS.—Each such State plan shall—

(A) be developed in conjunction with the State agency for higher education, nonprofit organizations of demonstrated effectiveness, institutions of higher education or schools of education, and with the extensive participation of local teachers, administrators, and pupil services personnel and show the role of each such entity in implementation of the plan;

(B) be designed to give teachers, administrators, and pupil services personnel in the State the knowledge and skills necessary to provide all students the opportunity to meet challenging State content standards and challenging State student performance standards;

(C) include an assessment of State and local needs for professional development specifically related to subparagraph (B);

(D) describe the need for teacher development beginning with recruitment, preservice, and induction, and continuing throughout the professional teaching career, taking into account the need, as determined by the State, for greater access to and participation in the teaching profession by individuals from historically underrepresented groups;

(E) describe how the State requirements for licensure of teachers and administrators, including certification and recertification, support challenging State content standards and challenging State student performance standards;

(F) describe how the State will work with teachers, administrators, parents, local educational agencies, schools, educational service agencies, and institutions of higher education or nonprofit organizations of demonstrated effectiveness to ensure that such individuals or entities develop the capacity to support sustained and intensive, high-quality professional development programs in the core academic subjects;

(G) describe how the State will prepare all teachers to teach children with diverse learning needs, including children with disabilities;

(H) describe how the State will prepare teachers, paraprofessionals and pupil services personnel in intervention strategies to—

(i) alleviate the need, and inappropriate referral, for special education services; and

(ii) prepare general and special education staff to work collaboratively to educate students with disabilities placed into general education settings, consistent with the child's individualized education program;

(I) describe how the State will use technology, including the emerging national information infrastructure, to enhance the professional development of teachers, administrators, and pupil services personnel;

(J) describe how the State will ensure a strong focus on professional development in mathematics and science taking into account the need for greater access to, and participation in, such disciplines by students from historically underrepresented groups;

(K) describe how the State will provide incentives to teachers and administrators to focus their professional development on preparing themselves to provide instruction consistent with challenging State content standards and challenging State student performance standards;

(L) set specific outcome performance indicators for professional development; and

(M) describe how parents can be involved in professional development programs to enhance their participation in the education of their children.

(3) DURATION OF THE PLAN.—Each such State plan shall—

(A) remain in effect for the duration of the State's participation under this subpart; and

(B) be periodically reviewed and revised by the State, as necessary, to reflect changes in the State's strategies and programs under this subpart.

(c) ADDITIONAL MATERIAL.—Each State application shall include—

(1) a description of how the activities assisted under this subpart will be coordinated, as appropriate, with—

(A) other activities conducted with Federal funds, especially activities supported under part A of title I of this Act, and parts B and D of the Individuals with Disabilities Education Act;

(B) State and local funds;

(C) resources from business and industry, museums, libraries, educational television stations, and public and private nonprofit organizations of demonstrated experience; and

(D) funds received from other Federal agencies, such as the National Science Foundation, the Departments of Commerce, Energy, and Health and Human Services, the National Endowment for the Arts, the Institute of Museum Services, and the National Endowment for the Humanities; and

(2) a description of the activities to be sponsored under the State level activities under section 2126 and the higher education activities under section 2130.

(d) PEER REVIEW AND SECRETARIAL APPROVAL.—

(1) IN GENERAL.—The Secretary shall approve an application of a State educational agency under this section if such applica-

tion meets the requirements of this section and holds reasonable promise of achieving the purposes of this part.

(2) REVIEW.—In reviewing applications under this section, the Secretary shall obtain the advice of non-Federal experts on education in the core academic subjects and on teacher education, including teachers and administrators.

SEC. 2126. STATE LEVEL ACTIVITIES.

Each State may use funds made available under section 2123(1) to carry out activities described in the plan under section 2125(b), such as—

(1) reviewing and reforming State requirements for teacher and administrator licensure, including certification and recertification, to align such requirements with the State's challenging State content standards and ensure that teachers and administrators have the knowledge and skills necessary to help students meet challenging State student performance standards;

(2) developing performance assessments and peer review procedures, as well as other methods, for licensing teachers and administrators;

(3) providing technical assistance to schools and local educational agencies to help such schools and agencies provide effective professional development in the core academic subjects;

(4) developing or supporting professional development networks, either within a State or in a regional consortium of States, that provide a forum for interaction among teachers and that allow exchange of information on advances in content and pedagogy;

(5) professional development in the effective use of educational technology as an instructional tool for increasing student understanding of the core academic subjects, including efforts to train teachers in methods for achieving gender equity both in students' access to computers and other educational technology and in teaching practices used in the application of educational technology;

(6) providing financial or other incentives for teachers to become certified by nationally recognized professional teacher enhancement organizations;

(7) designing systems that enable teachers to meet pay ladder professional development requirements by demonstrating content knowledge and pedagogical competence tied to challenging State content standards and challenging State student performance standards, rather than by merely completing course credits;

(8) providing incentives for teachers to be involved in assessment, curriculum development, and technical assistance processes for teachers and students;

(9) professional development to enable teachers, pupil services personnel, and other school staff to ensure that girls and young women, minorities, limited English proficient students, individuals with disabilities, and the economically disadvantaged have the full opportunity to achieve to challenging State content standards and challenging State student performance standards in the core academic subjects by, for example, encouraging

girls and young women and minorities to pursue advanced courses in mathematics and science;

(10) professional development designed to provide the collaborative skills needed to appropriately serve children with disabilities in the general education setting consistent with the child's individualized education program, and to develop skills needed for effective intervention teaching strategies to alleviate the need, and inappropriate referral, for special education services;

(11) professional development and recruitment activities designed to increase the numbers of minorities, individuals with disabilities and females teaching in the core academic subjects in which such individuals are underrepresented;

(12) identifying, developing, or supporting parental involvement programs to better equip parents to participate in the education of their children;

(13) professional development activities designed to increase the number of women and other underrepresented groups in the administration of schools;

(14) providing training for local education employees in the area of early childhood development in order to ensure that early childhood development services provided to low-income children below the age of compulsory school attendance comply with the performance standards established under section 641A(a) of the Head Start Act or under section 651 of such Act, as such section 651 was in effect on the day preceding the date of enactment of the Human Services Amendments of 1994; and

(15) providing technical assistance to teachers, administrators, parents and related services personnel in the area of early childhood development in order to ensure that early childhood development services provided to low-income children below the age of compulsory school attendance comply with the performance standards established under section 641A(a) of the Head Start Act or under section 651 of such Act, as such section 651 was in effect on the day preceding the date of enactment of the Human Services Amendments of 1994.

SEC. 2127. LOCAL EDUCATIONAL AGENCY APPLICATIONS.

(a) IN GENERAL.—Each local educational agency that desires a subgrant under this subpart shall submit an application to the State educational agency at such time as the State educational agency may require, but not less frequently than every 3 years.

(b) CONTENTS.—Each application under this section shall include—

(1) the local educational agency's plan for professional development that—

(A) has been developed with the extensive participation of teachers, administrators, staff, and pupil services personnel;

(B) is aligned with the State's challenging State content standards and challenging State student performance standards;

(C) includes an assessment of local needs for professional development as identified by the local educational agency and school staff;

(D) describes a strategy, tied to challenging State content standards and challenging State student performance standards, for addressing those needs;

(E) includes strong academic content and pedagogical components;

(F) takes into account the need for greater access to and participation in the core academic subjects, especially in mathematics and science, by students from historically underrepresented groups;

(G) is of sufficient intensity and duration to have a positive and lasting impact on the student's performance in the classroom; and

(H) sets specific outcome performance indicators;

(2) an assurance that the activities conducted with the funds such agency received under this subpart will be assessed at least every three years using the outcome performance indicators to determine the effectiveness of such activities;

(3) a description of how the programs funded under this subpart will be coordinated, as appropriate, with—

(A) services of educational service agencies;

(B) services of institutions of higher education;

(C) State and local funds;

(D) resources provided under part A of title I and other provisions of this Act;

(E) resources from business, industry, museums, libraries, educational television stations, and public and private nonprofit organizations of demonstrated experience;

(F) resources provided under parts B and D of the Individuals with Disabilities Education Act; and

(G) funds received from other Federal agencies, such as the National Science Foundation, the Department of Energy, the Department of Health and Human Services, the National Endowment for the Arts, the Institute of Museum Services, and the National Endowment for the Humanities;

(4) an identification of the sources of funding that will provide the local educational agency's contribution under section 2128; and

(5) a description of the strategies to be employed to more fully and effectively involve parents in the education of their children.

(c) DURATION OF THE PLAN.—Each local plan described in subsection (b)(1) shall—

(1) remain in effect for the duration of the local educational agency's participation under this subpart; and

(2) be periodically reviewed and revised by the local educational agency, as necessary, to reflect changes in the local educational agency's strategies and programs under this subpart.

SEC. 2128. LOCAL COST-SHARING.

(a) IN GENERAL.—Each local educational agency shall provide at least 33 percent of the cost of the activities assisted under this subpart, excluding the cost of services provided to private school teachers.

(b) AVAILABLE RESOURCES FOR COST-SHARING.—

(1) In general.—A local educational agency may meet the requirement of subsection (a) through one or more of the following:

(A) Cash expenditures from non-Federal sources directed toward professional development activities.

(B) Release time for teachers participating in professional development assisted under this subpart.

(C) Funds received under one or more of the following programs, so long as such funds are used for professional development activities consistent with this subpart and the statutes under which such funds were received, and are used to benefit students and teachers in schools that otherwise would have been served with such funds:

(i) Part A of title I.

(ii) Parts B and D of the Individuals with Disabilities Education Act.

(iii) The Safe and Drug-Free Schools and Communities program under part A of title V.

(iv) Bilingual Education Programs under part A of title VII.

(v) The Women's Educational Equity Act of 1994.

(vi) Title III of the Goals 2000: Educate America Act.

(vii) Programs that are related to the purposes of this Act that are administered by other Federal agencies, including the National Science Foundation, the National Endowment for the Humanities, the National Endowment for the Arts, the Institute of Museum Services, and the Department of Energy.

(2) Special rule.—A local educational agency may meet the requirement of subsection (a) through contributions described in paragraph (1) that are provided in cash or in kind, fairly evaluated.

SEC. 2129. LOCAL ALLOCATION OF FUNDS AND ALLOWABLE ACTIVITIES.

(a) Local Allocation of Funds.—Each local educational agency that receives funds under this subpart for any fiscal year—

(1) shall use at least 80 percent of such funds for professional development of teachers, administrators, pupil services personnel, parents, and other staff of individual schools in a manner that—

(A) is determined by such teachers and staff;

(B) to the extent practicable, takes place at the individual school site; and

(C) is consistent with the local educational agency's application under section 2127, any school plan under part A of title I, and any other plan for professional development carried out with Federal, State, or local funds that emphasizes sustained, ongoing activities; and

(2) may use not more than 20 percent of such funds for school district-level professional development activities, including the participation of administrators, policymakers, and parents.

(b) Authorized Activities.—Each local educational agency and school that receives funds under this subpart shall use such funds for activities that contribute to the implementation of the local edu-

cational agency's professional development plan described in section 2127(b)(1), such as—

(1) professional development for teams of teachers, administrators, pupil services personnel, or other staff from individual schools, to support teaching consistent with challenging State content standards and challenging State student performance standards and to create a school environment conducive to high achievement in the core academic subjects;

(2) support and time, which in the case of teachers may include release time with pay, for teachers, pupil services personnel, and other school staff to enable such teachers, personnel, and staff to participate in professional development in the core academic subjects that are offered through professional associations, universities, and other providers such as community-based organizations, science centers and museums;

(3) support and time, which in the case of teachers may include release time with pay, for teachers, pupil services personnel and other school staff to participate in professional development that goes beyond training and encourages a variety of forms of learning that are related to an educator's regular work, such as group study and consultation with peers and supervisors;

(4) support and time for teachers, pupil services personnel and other school staff to learn and implement effective intervention or collaboration for the instruction of children with disabilities placed into general education settings, consistent with the child's individualized education program;

(5) professional development which incorporates effective strategies, techniques, methods, and practices for meeting the educational needs of diverse groups of students, including females, minorities, individuals with disabilities, limited-English proficient individuals and economically disadvantaged individuals;

(6) peer training and mentoring programs, including cross-generational mentoring, in the core academic subjects and in the developmental, social, emotional and mental health needs of children;

(7) establishment and maintenance of local professional networks that provide a forum for interaction among teachers and pupil services personnel and that allow exchange of information on advances in content and pedagogy;

(8) activities that provide followup for teachers who have participated in professional development activities that are designed to ensure that the knowledge and skills learned by the teacher are implemented in the classroom;

(9) preparing teachers and pupil services personnel to work with parents and families on fostering student achievement in the core academic subjects;

(10) preparing teachers in the effective use of educational technology and assistive technology as instructional tools for increasing student understanding of the core academic subjects;

(11) establishing policies to permit teachers to meet pay ladder requirements by demonstrating content and pedagogical competence rather than by only meeting course requirements;

(12) professional development to enable teachers, pupil services personnel, and other school staff to ensure that girls and young women, minorities, limited-English proficient students, individuals with disabilities, and the economically disadvantaged have full opportunity to achieve to challenging State content standards and challenging State student performance standards in the core academic subjects;

(13) professional development activities designed to increase the numbers of minorities, individuals with disabilities, and other underrepresented groups in the teaching force and to increase the numbers of women and members of other underrepresented groups who are science and mathematics teachers, for example, through career ladder programs that assist educational paraprofessionals to obtain teaching credentials;

(14) professional development activities and other support for new teachers as such teachers transition into the classroom to provide such teachers with practical support and increase retention;

(15) professional development for teachers, parents, early childhood educators, administrators, and other staff to support activities and services related to the Transition to Success program developed under part B of title I;

(16) developing incentive strategies for rewarding teachers, administrators, and pupil services personnel collectively in schools that sustain high performance or consistent growth in the number of their students who meet the challenging State content standards and challenging State student performance standards;

(17) providing financial or other incentives for teachers to become certified by nationally recognized professional teacher enhancement programs;

(18) developing strategies and programs to more effectively involve parents in the education of their children;

(19) professional development activities designed to increase the number of women and other underrepresented groups in the administration of schools;

(20) release time with pay for teachers; and

(21) professional development in experiential-based teaching methods such as service learning.

SEC. 2130. HIGHER EDUCATION ACTIVITIES.

(a) IN GENERAL.—

(1) IN GENERAL.—From amounts made available under section 2123(2), the State agency for higher education, working in conjunction with the State educational agency (if such agencies are separate), shall award grants to, or enter into contracts or cooperative agreements with, institutions of higher education or private nonprofit organizations working in conjunction with local educational agencies, for professional development activities in the core academic subjects that contribute to the State plan for professional development.

(2) COMPETITIVE BASIS.—Each grant, contract or cooperative agreement described in paragraph (1) shall be awarded on a competitive basis.

(3) JOINT EFFORTS.—Each activity assisted under this section, where applicable, shall involve the joint effort of the institution of higher education's school or department of education, if any, and the schools or departments in the specific disciplines in which such professional development will be provided.

(b) ALLOWABLE ACTIVITIES.—A recipient of funds under this section shall use such funds for—

(1) sustained and intensive high-quality professional development for teams of teachers, or teachers, pupil services personnel and administrators from individual schools or school districts;

(2) preservice training activities; and

(3) other sustained and intensive professional development activities related to achievement of the State plan for professional development.

(c) PARTNERSHIPS.—Each institution of higher education receiving a grant under this section may also enter into a partnership with a private industry, museum, library, educational television station, or public or private nonprofit organization of demonstrated experience to carry out professional development activities assisted under this section.

SEC. 2131. CONSORTIUM REQUIREMENT.

(a) IN GENERAL.—Any local educational agency receiving a grant under this part of less than $10,000 shall form a consortium with another local educational agency or an educational service agency serving another local educational agency to be eligible to participate in programs assisted under this part.

(b) WAIVER.—The Chief State School Officer may waive the requirements of subsection (a) if distances or traveling time between schools make formation of the consortium more costly or less effective.

(c) SPECIAL RULE.—Each consortium shall rely, as much as possible, on technology or other arrangements to deliver staff development tailored to the needs of each school or school district participating in a consortium described in subsection (a).

Subpart 3—Professional Development Demonstration Project

SEC. 2141. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) underlying the standards-driven framework of the Goals 2000: Educate America Act and the high academic standards for eligible students under title I is a widespread need to prepare teachers to teach to higher standards;

(2) prospective and current teachers need knowledge and skills beyond what such teachers currently possess;

(3) while both the Goals 2000: Educate America Act and titles I and II have extensive references to professional development of teachers, there are no provisions to incorporate "on-the-ground" planning and implementation to serve as models for local educational agencies across the Nation; and

(4) better prepared teachers can lead to improved student achievement, especially for students who are furthest from reaching high standards.

(b) PURPOSE.—It is the purpose of this subpart—

(1) to address the need for professional development with a primary focus on teachers;

(2) to provide both prospective teachers and current teachers opportunities to learn both the content and the pedagogy needed to teach to high standards; and

(3) to build models, in a few cities and States, that demonstrate new organizational arrangements and deep investments in teachers necessary to better prepare teachers for new standards and assessments.

SEC. 2142. DEMONSTRATION PROGRAM AUTHORIZED.

(a) GENERAL AUTHORITY.—

(1) IN GENERAL.—The Secretary shall carry out a demonstration project under which the Secretary awards grants in accordance with this subpart to eligible partnerships to enable such partnerships to plan and implement professional development programs.

(2) PROGRAM REQUIREMENTS.—The programs described in paragraph (1)—

(A) shall focus on increasing teachers' knowledge and understanding of content by providing teachers opportunities to improve their knowledge and to improve their classroom practice in order to help students meet high academic standards;

(B) shall include teachers at all career stages, from student teachers or interns through senior team leaders or department chairs; and

(C) may incorporate professional development for principals, pupil services personnel, aides, other school-based staff, and parents.

(b) ELIGIBLE PARTNERSHIPS.—For the purpose of this subpart the term "eligible partnership" means a partnership consisting of—

(1) a local educational agency, a subunit of such agency, or a consortium of such agencies, in which at least 50 percent of the schools served by such agency, subunit, or consortium are eligible to participate in schoolwide programs under section 1114; or

(2) other partners that—

(A) shall include, at a minimum, a teachers' union (if appropriate), one or more institutions of higher education which may include faculty from schools of education and faculty from schools of arts and sciences, and a local parent or community council; and

(B) may include a business partner or a nonprofit organization with a demonstrated record in staff development.

SEC. 2143. GRANTS.

(a) AUTHORITY.—

(1) IN GENERAL.—The Secretary shall award grants for planning, and grants for the implementation of, professional development programs under this subpart.

(2) DISTRIBUTION.—The Secretary shall award not less than 75 percent of the funds available for grants under this part to eligible partnerships serving the schools with the greatest number of poor students. To the extent possible, such grants shall be awarded to eligible partnerships serving both rural and urban school districts and in a manner that reflects geographic and racial diversity.

(3) NUMBER OF GRANTS.—In the first year that the Secretary awards grants under this subpart, the Secretary shall award at least twice as many planning grants as implementation grants in order to receive well-developed plans for long-term funding under this subpart.

(b) GRANT REQUIREMENTS.—

(1) DURATION.—The Secretary shall award—

(A) planning grants under this subpart for a period of not less than 6 months and not more than 9 months; and

(B) implementation grants under this subpart for a period of four fiscal years.

(2) AMOUNT.—The Secretary shall award grants under this subpart in an amount determined on the basis of the size of the program and the level of investment the eligible partnership is making in teacher development in the area served by the eligible partnership, including local, State, and Federal funds and existing higher education resources, except that no grant under this subpart shall exceed $500,000 in any one fiscal year.

SEC. 2144. PLAN.

Each eligible partnership desiring assistance under this subpart shall develop a plan for the program to be assisted under this subpart. Such plan shall—

(1) identify clearly how such plan will support an overall systemic reform strategy giving special attention to the role of teacher preparation for new standards and assessment;

(2) describe the eligible partnership's instructional objectives and how the professional development activities will support such objectives;

(3) specify the organizational arrangements and delivery strategies to be used, such as teacher centers, professional development schools, teacher networks, academic alliances, as well as the curriculum for teachers;

(4) specify the commitments the local educational agencies, teacher's union, institutions of higher education or any other entity participating in such partnership are prepared to make, not only to support program activities such as release time, contractual flexibility, support for interns or student teachers if applicable, but also to sustain the central aspects of the plan after the expiration of the grant; and

(5) describe how the activities described under this subpart will lead to districtwide policy and budget changes.

SEC. 2145. TECHNICAL ASSISTANCE.

The Secretary is authorized to enter into an arrangement with an intermediary organization to enable such organization to provide technical assistance to eligible partnerships receiving assistance under this subpart.

SEC. 2146. MATCHING FUNDS.

The Secretary shall give special priority to awarding grants under this subpart to eligible partnerships that demonstrate such partnership's ability to raise matching funds from private sources.

Subpart 4—General Provisions

SEC. 2151. REPORTING AND ACCOUNTABILITY.

(a) STATES.—Each State that receives funds under this part shall submit a report to the Secretary every three years, beginning with fiscal year 1997, on the State's progress toward the outcome performance indicators identified in such State's State plan, as well as on the effectiveness of State and local activities assisted under this part.

(b) LOCAL EDUCATIONAL AGENCIES.—Each local educational agency that receives funds under this part shall submit a report to the State every three years, beginning with fiscal year 1997, regarding the progress of such agency toward outcome performance indicators identified in such agency's local plan, as well as on the effectiveness of such agency's activities under this part.

(c) FEDERAL EVALUATION.—The Secretary shall report to the President and the Congress on the effectiveness of programs and activities assisted under this part in accordance with section 10701.

SEC. 2152. DEFINITIONS.

As used in this part—

(1) the term "core academic subjects" means subjects such as English, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography;

(2) the term "sustained and intensive high-quality professional development" means professional development activities that—

(A) are tied to challenging State content standards, challenging State student performance standards, voluntary national content standards or voluntary national student performance standards;

(B) reflect up-to-date research in teaching and learning and include integrated content and pedagogical components appropriate for students with diverse learning needs;

(C) are of sufficient intensity and duration to have a positive and lasting impact on the teacher's performance in the classroom or the administrator's performance on the job; and

(D) recognize teachers as an important source of knowledge that should inform and help shape professional development; and

(3) the term "outcome performance indicators" means measures of specific outcomes that the State or local educational agency identify as assessing progress toward the goal of ensuring that all teachers have the knowledge and skills necessary to assist their students to meet challenging State content standards and challenging State student performance standards in the core academic subjects, such as—

(A) the degree to which licensure requirements are tied to challenging State content standards and challenging State student performance standards;

(B) specific increases in the number of teachers who are certified by the National Board for Professional Teaching Standards or other nationally recognized professional teacher enhancement organizations;

(C) pass rates on teacher examinations for initial and continuing certification or licensure;

(D) specific increases in the number of elementary and secondary teachers with strong content backgrounds in the core academic subjects; and

(E) specific increases in the number of teachers licensed in each core academic subject.

PART B—NATIONAL WRITING PROJECT

SEC. 2201. SHORT TITLE.

This part may be cited as the "National Writing Project Act".

SEC. 2202. FINDINGS.

The Congress finds that—

(1) the United States faces a crisis in writing in schools and in the workplace;

(2) the writing problem has been magnified by the rapidly changing student populations in the Nation's schools and the growing number of students who are at risk because of limited English proficiency;

(3) over the past 2 decades, universities and colleges across the country have reported increasing numbers of entering freshmen who are unable to write at a level equal to the demands of college work;

(4) American businesses and corporations are concerned about the limited writing skills of entry-level workers, and a growing number of executives are reporting that advancement was denied to such executives due to inadequate writing abilities;

(5) writing and reading are both fundamental to learning, yet writing has been historically neglected in the schools and colleges, and most teachers in the United States elementary schools, secondary schools, and colleges have not been trained to teach writing;

(6) since 1973, the only national program to address the writing problem in the Nation's schools has been the National Writing Project, a network of collaborative university-school programs whose goal is to improve the quality of student writing and the teaching of writing at all grade levels and to extend the uses of writing as a learning process through all disciplines;

(7) the National Writing Project offers summer and school year inservice teacher training programs and a dissemination network to inform and teach teachers of developments in the field of writing;

(8) the National Writing Project is a nationally recognized and honored nonprofit organization that recognizes that there

are teachers in every region of the United States who have developed successful methods for teaching writing and that such teachers can be trained and encouraged to train other teachers;

(9) the National Writing Project has become a model for programs to improve teaching in such other fields as mathematics, science, history, literature, performing arts, and foreign languages;

(10) the National Writing Project teacher-teaching-teachers program identifies and promotes what is working in the classrooms of the Nation's best teachers;

(11) the National Writing Project teacher-teaching-teachers project is a positive program that celebrates good teaching practices and good teachers and through its work with schools increases the Nation's corps of successful classroom teachers;

(12) evaluations of the National Writing Project document the positive impact the project has had on improving the teaching of writing, student performance, and student thinking and learning ability;

(13) the National Writing Project programs offer career-long education to teachers, and teachers participating in the National Writing Project receive graduate academic credit;

(14) each year over 100,000 teachers voluntarily seek training in National Writing Project intensive summer institutes and workshops and school year inservice programs through one of the 154 regional sites located in 45 States, the Commonwealth of Puerto Rico, and in four sites that serve United States teachers teaching in United States dependent and independent schools;

(15) 250 National Writing Project sites are needed to establish regional sites to serve all teachers;

(16) private foundation resources, although generous in the past, are inadequate to fund all of the National Writing Project sites needed and the future of the program is in jeopardy without secure financial support;

(17) independent evaluation studies have found the National Writing Project to be highly cost-effective compared to other professional development programs for teachers; and

(18) during 1991, the first year of Federal support for the National Writing Project, the National Writing Project matched the $1,951,975 in Federal support with $9,485,504 in matching funds from State, local, and other sources.

SEC. 2203. NATIONAL WRITING PROJECT.

(a) AUTHORIZATION.—The Secretary is authorized to make a grant to the National Writing Project (hereafter in this section referred to as the "grantee"), a nonprofit educational organization which has as its primary purpose the improvement of the quality of student writing and learning, and the teaching of writing as a learning process in the Nation's classrooms—

(1) to support and promote the establishment of teacher training programs, including the dissemination of effective practices and research findings regarding the teaching of writing and administrative activities;

(2) to support classroom research on effective teaching practice and to document student performance;

(3) to coordinate activities assisted under this section with activities assisted under part A; and

(4) to pay the Federal share of the cost of such programs.

(b) REQUIREMENTS OF GRANT.—The grant shall provide that—

(1) the grantee will enter into contracts with institutions of higher education or other nonprofit educational providers (hereafter in this section referred to as "contractors") under which the contractors will agree to establish, operate, and provide the non-Federal share of the cost of teacher training programs in effective approaches and processes for the teaching of writing;

(2) funds made available by the Secretary to the grantee pursuant to any contract entered into under this section will be used to pay the Federal share of the cost of establishing and operating teacher training programs as provided in paragraph (1); and

(3) the grantee will meet such other conditions and standards as the Secretary determines to be necessary to assure compliance with the provisions of this section and will provide such technical assistance as may be necessary to carry out the provisions of this section.

(c) TEACHER TRAINING PROGRAMS.—The teacher training programs authorized in subsection (a) shall—

(1) be conducted during the school year and during the summer months;

(2) train teachers who teach grades kindergarten through college;

(3) select teachers to become members of a National Writing Project teacher network whose members will conduct writing workshops for other teachers in the area served by each National Writing Project site; and

(4) encourage teachers from all disciplines to participate in such teacher training programs.

(d) FEDERAL SHARE.—

(1) IN GENERAL.—Except as provided in paragraph (2) or (3) and for purposes of subsection (a), the term "Federal share" means, with respect to the costs of teacher training programs authorized in subsection (a), 50 percent of such costs to the contractor.

(2) WAIVER.—The Secretary may waive the provisions of paragraph (1) on a case-by-case basis if the National Advisory Board described in subsection (f) determines, on the basis of financial need, that such waiver is necessary.

(3) MAXIMUM.—The Federal share of the costs of teacher training programs conducted pursuant to subsection (a) may not exceed $40,000 for any one contractor, or $200,000 for a statewide program administered by any one contractor in at least five sites throughout the State.

(e) CLASSROOM TEACHER GRANTS.—

(1) IN GENERAL.—The National Writing Project may reserve an amount not to exceed 5 percent of the amount appropriated pursuant to the authority of this section to make grants, on a competitive basis, to elementary and secondary school teachers to enable such teachers to—

(A) conduct classroom research;

(B) publish models of student writing;

(C) conduct research regarding effective practices to improve the teaching of writing; and

(D) conduct other activities to improve the teaching and uses of writing.

(2) SUPPLEMENT AND NOT SUPPLANT.—Grants awarded pursuant to paragraph (1) shall be used to supplement and not supplant State and local funds available for the purposes set forth in paragraph (1).

(3) MAXIMUM GRANT AMOUNT.—Each grant awarded pursuant to this subsection shall not exceed $2,000.

(f) NATIONAL ADVISORY BOARD.—

(1) ESTABLISHMENT.—The National Writing Project shall establish and operate a National Advisory Board.

(2) COMPOSITION.—The National Advisory Board established pursuant to paragraph (1) shall consist of—

(A) national educational leaders;

(B) leaders in the field of writing; and

(C) such other individuals as the National Writing Project deems necessary.

(3) DUTIES.—The National Advisory Board established pursuant to paragraph (1) shall—

(A) advise the National Writing Project on national issues related to student writing and the teaching of writing;

(B) review the activities and programs of the National Writing Project; and

(C) support the continued development of the National Writing Project.

(g) EVALUATION.—The Secretary shall conduct an independent evaluation by grant or contract of the teacher training programs administered pursuant to this Act in accordance with section 10701. Such evaluation shall specify the amount of funds expended by the National Writing Project and each contractor receiving assistance under this section for administrative costs. The results of such evaluation shall be made available to the appropriate committees of the Congress.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the grant to the National Writing Project, $4,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out the provisions of this section.

PART C—SUPPORT AND ASSISTANCE FOR ESEA PROGRAMS

Subpart 1—Comprehensive Regional Centers

SEC. 2301. FINDINGS.

The Congress finds that—

(1) high-quality technical assistance can enhance the improvements in teaching and learning achieved through the implementation of programs assisted under this Act;

(2) comprehensive technical assistance is an essential ingredient of the overall strategy of the Improving America's Schools Act of 1994 to improve programs and to provide all children opportunities to meet challenging State content standards and challenging State student performance standards;

(3) States, local educational agencies, and schools serving students with special needs, such as students with limited-English proficiency and students with disabilities, have great need for comprehensive technical assistance in order to use funds under this Act to provide such students with opportunities to learn to challenging State content standards and challenging State student performance standards;

(4) current technical assistance efforts are fragmented and categorical in nature, and thus fail to address adequately the needs of States and local educational agencies for help in integrating into a coherent strategy for improving teaching and learning the various programs under this Act with State and local programs and other education reform efforts;

(5) too little creative use is made of technology as a means of providing information and assistance in a cost-effective way;

(6) comprehensive technical assistance can help schools and school systems focus on improving opportunities for all children to meet challenging State content standards and challenging State student performance standards, as such schools and systems implement programs under this Act;

(7) comprehensive technical assistance will provide one-stop shopping to help States, local educational agencies, participating colleges and universities, and schools integrate Federal, State, local education and pupil services programs in ways that contribute to improving schools and entire school systems; and

(8) technical assistance in support of programs assisted under this Act should be coordinated with the Department's regional offices, the regional educational laboratories, and other technical assistance efforts supported by the Department.

SEC. 2302. PURPOSE.

The purpose of this part is to make available to States, local educational agencies, schools, and other recipients of funds under this Act technical assistance in—

(1) administering and implementing programs authorized by this Act;

(2) implementing school reform programs; and

(3) coordinating such programs with other Federal, State, and local education activities, so that all students are provided opportunities to meet challenging State content standards and challenging State student performance standards.

SEC. 2303. PROGRAM AUTHORIZED.

(a) COMPREHENSIVE REGIONAL CENTERS.—The Secretary is authorized to establish one center in each of the Department's ten regions, and one center at the Pacific Regional Education Laboratory in Honolulu, Hawaii, and may establish field offices for each such center, in order to provide comprehensive technical assistance to States, local educational agencies, schools, and other recipients of funds under this Act in the administration and implementation of

programs authorized by this Act. In allocating resources among the centers, the Secretary shall consider the geographic distribution of students with special needs.

(b) TECHNOLOGY-BASED TECHNICAL ASSISTANCE.—The Secretary is authorized to provide a technology-based technical assistance service that will—

(1) support the administration and implementation of programs authorized by this Act by providing information, including legal and regulatory information, and technical guidance and information about best practices; and

(2) be accessible to all States, local educational agencies, schools, community-based organizations, and others who are recipients of funds under this Act.

SEC. 2304. ELIGIBLE ENTITIES.

The Secretary may carry out this part directly or through grants to, or contracts or cooperative agreements with, public or private agencies or organizations or consortia of such agencies and organizations.

SEC. 2305. COMPREHENSIVE REGIONAL CENTERS.

Each comprehensive regional center established under section 2303(a) shall—

(1) maintain staff expertise in at least all of the following areas:

(A) instruction, curriculum improvement, school reform, pupil services, and other aspects of title I;

(B) meeting the needs of children served under this Act, including children in high-poverty areas, migratory children, children with limited-English proficiency, neglected or delinquent children, homeless children and youth, Indian children, and children with disabilities;

(C) professional development for teachers, pupil services personnel, other school staff, and administrators to help students meet challenging State content standards and challenging State student performance standards;

(D) bilingual education, including programs that emphasize English and native language proficiency, and promote multicultural understanding;

(E) safe and drug-free schools;

(F) educational applications of technology;

(G) parent involvement and participation;

(H) the reform of schools and school systems;

(I) the special needs of students living in rural areas and the special needs of local educational agencies serving rural areas; and

(J) program evaluation;

(2) ensure that technical assistance staff have sufficient training, knowledge, and expertise in how to integrate and coordinate programs assisted under this Act, as well as integrating and coordinating programs assisted under this Act with other Federal, State, and local programs and reforms;

(3) work collaboratively with the Department's regional offices;

(4) provide technical assistance using the highest quality and most cost-effective strategies possible;

(5) provide information and assistance regarding exemplary and promising practices;

(6) work collaboratively, and coordinate the services such center provides, with the general reform assistance provided by the regional educational laboratories and the National Diffusion Network State Facilitators supported by the Office of Educational Research and Improvement; and

(7) consult with representatives of State educational agencies, local educational agencies, and populations served under this Act.

SEC. 2306. INFORMATION COLLECTION AND EVALUATION.

The Secretary shall evaluate activities assisted under this part, and shall report to the President and the Congress on the effectiveness of such activities by January 1, 1998.

SEC. 2307. TRANSITION.

(a) IN GENERAL.—The Secretary shall use funds appropriated to carry out this part for at least fiscal years 1995 and 1996 in order to ensure an orderly transition and phase-in of the comprehensive regional centers assisted under this subpart.

(b) EXTENSION OF PREVIOUS CENTERS.—In accordance with subsection (a), and notwithstanding any other provisions of law, the Secretary shall use funds appropriated to carry out this part to draw on the expertise of staff and services from existing categorical assistance centers assisted under this Act (as such Act was in existence on the day preceding the date of enactment of the Improving America's Schools Act of 1994) and, where appropriate and feasible, to continue to support, through grants or the extension of awards, such centers in order to ensure that services will not be interrupted, curtailed, or substantially diminished.

SEC. 2308. AUTHORIZATION OF APPROPRIATIONS.

For the purpose of carrying out this subpart, there are authorized to be appropriated $70,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

Subpart 2—National Diffusion Network

SEC. 2311. PROGRAM AUTHORIZED.

(a) IN GENERAL.—In order to increase the effectiveness of the comprehensive regional centers established under subpart 1 and to promote school reform, the Secretary shall carry out a State-based outreach, consultation, and dissemination program through the National Diffusion Network and its State Facilitators. To carry out such program, the Secretary shall make one or more awards in each State to public educational agencies or public or private nonprofit educational organizations or institutions to assist State and local educational agencies, schools, and other appropriate educational entities in that State to identify and implement exemplary or promising educational programs and practices.

(b) STATE FACILITATOR ACTIVITIES.—The National Diffusion Network State Facilitators for each State shall—

(1) identify educational programs and practices for possible dissemination throughout the State and Nation;

(2) identify needs for assistance throughout the State, including educational technology needs;

(3) provide professional development and technical assistance services;

(4) promote and facilitate teacher networks throughout the State; and

(5) provide such other outreach, coordination, and dissemination services as may be necessary to achieve the purposes of this subpart.

(c) COORDINATION AND ADMINISTRATION.—

(1) COORDINATION.—The National Diffusion Network State Facilitators shall work in close cooperation, and coordinate their activities, with the comprehensive regional centers established under subpart 1.

(2) ADMINISTRATION.—The National Diffusion Network State Facilitators program shall be administered by the Office of Reform Assistance and Dissemination established under section 941(b) of the Educational Research, Development, Dissemination, and Improvement Act of 1994.

(d) NATIONAL DIFFUSION NETWORK EFFECTIVE PROGRAMS AND PROMISING PRACTICES SYSTEM.—The Secretary shall develop a system of validating effective programs and promising practices for dissemination through the National Diffusion Network. Such system may include exemplary programs funded through any office of the Department, the National Science Foundation, or other Federal agencies. Such system shall be coordinated, aligned with, and administered by the Office of Reform Assistance and Dissemination established under section 941(b) of the Educational Research, Development, Dissemination, and Improvement Act of 1994. The Secretary shall give priority to identifying, validating, and disseminating effective schoolwide projects, programs addressing the needs of high poverty schools, and programs with the capacity to offer high-quality, sustained technical assistance. The Office of Educational Research and Improvement Office of Reform Assistance and Dissemination shall also administer a grant program for the purpose of dissemination and the provision of technical assistance regarding such system.

SEC. 2312. AUTHORIZATION OF APPROPRIATIONS.

For the purpose of carrying out this subpart, there are authorized to be appropriated $25,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

Subpart 3—Eisenhower Regional Mathematics and Science Education Consortiums

SEC. 2321. PROGRAM ESTABLISHED.

(a) IN GENERAL.—

(1) GRANTS AUTHORIZED.—The Secretary, in consultation with the Director of the National Science Foundation, is authorized to award grants or contracts to eligible entities to enable

such entities to establish and operate regional mathematics and science education consortia for the purpose of—

(A) disseminating exemplary mathematics and science education instructional materials; and

(B) providing technical assistance for the implementation of teaching methods and assessment tools for use by elementary and secondary school students, teachers and administrators.

(2) NUMBER.—The Secretary shall, in accordance with the provisions of this section, award at least 1 grant or contract to an eligible entity in each region.

(3) SPECIAL RULE.—In any fiscal year, if the amount made available pursuant to section 2328 is less than $4,500,000, then the Secretary may waive the provisions of paragraph (2) and award grants or contracts of sufficient size, scope and quality to carry out this section.

(4) DESIGNATION.—Each regional consortium assisted under this section shall be known as an "Eisenhower regional consortium".

(b) GRANT TERM AND REVIEW.—Grants or contracts under this subpart shall be awarded for a period of not more than 5 years and shall be reviewed before the end of the 30-month period beginning on the date the grant or contract is awarded. Grants or contracts under this subpart shall be awarded before the end of the 12-month period beginning on the date of the enactment of an Act making appropriations to carry out the provisions of this subpart.

(c) AMOUNT.—In awarding grants or contracts under this subpart, the Secretary shall assure that there is a relatively equal distribution of the funds made available among the regions, but the Secretary may award additional funds to a regional consortium on the basis of population and geographical conditions of the region being served.

SEC. 2322. USE OF FUNDS.

Funds provided under this subpart may be used by a regional consortium, under the direction of a regional board established pursuant to section 2324, to—

(1) work cooperatively with the other regional consortiums and the Eisenhower National Clearinghouse for Science and Mathematics Education established under section 2123 to more effectively accomplish the activities described in this section;

(2) assist, train and provide technical assistance to classroom teachers, administrators, and other educators to identify, implement, assess or adapt the instructional materials, teaching methods and assessment tools described in paragraph (1);

(3) provide for the training of classroom teachers to enable such teachers to instruct other teachers, administrators, and educators in the use of the instructional materials, teaching methods and assessment tools described in paragraph (1) in the classroom;

(4) when necessary, provide financial assistance to enable teachers and other educators to attend and participate in the activities of the regional consortium;

(5) implement programs and activities designed to meet the needs of groups that are underrepresented in, and underserved by, mathematics and science education;

(6) assist State and local educational agencies in identifying science equipment needs and help such agencies or consortia thereof assess the need for and desirability of regional mathematics and science academies;

(7) develop and disseminate early childhood education mathematics and science instructional materials;

(8) disseminate information regarding informal mathematics and science education activities and programs offered by Federal agencies and private or public agencies and institutions within the region;

(9) collect data on activities assisted under this subpart in order to evaluate the effectiveness of the activities of the regional consortiums;

(10) identify exemplary teaching practices and materials from within the region and communicate such practices and materials to the Eisenhower National Clearinghouse for Mathematics and Science Education;

(11) communicate, on a regular basis, with entities within the region who are delivering services to students and teachers of mathematics and science;

(12) assist in the development and evaluation of State and regional plans and activities that hold promise of bringing about systemic reform in student performance in mathematics and science; and

(13) increase the use of informal education entities (such as science technology centers, museums, libraries, Saturday academies, and 4H programs) for educational purposes to expand student knowledge and understanding.

SEC. 2323. APPLICATION AND REVIEW.

(a) IN GENERAL.—Each eligible entity desiring a grant or contract under this subpart shall submit an application to the Secretary at such time, in such manner, and accompanied by such additional information as the Secretary may reasonably require. Each such application shall—

(1) demonstrate that the eligible entity has demonstrated expertise in the fields of mathematics and science education;

(2) demonstrate that the eligible entity shall implement and disseminate mathematics and science education instructional materials, teaching methods, and assessment tools through a consortium of the region's mathematics and science education organizations and agencies;

(3) demonstrate that the eligible entity shall carry out the functions of the regional consortium;

(4) demonstrate that emphasis will be given to programs and activities designed to meet the needs of groups that are underrepresented in, and underserved by, mathematics and science education;

(5) demonstrate that the business community in the region served by the regional consortium will play an integral role in designing and supporting the regional consortium's work;

(6) demonstrate that the eligible entity will consider the resources of existing Star Schools consortia established pursuant to the Star Schools Program Assistance Act in carrying out the provisions of this subpart, where appropriate; and

(7) assure that the entity will conduct its activities and supervise its personnel in a manner that effectively ensures compliance with the copyright laws of the United States under title 17, United States Code.

(b) APPROVAL OF APPLICATION.—

(1) IN GENERAL.—The Secretary shall approve or disapprove applications submitted pursuant to subsection (a) in accordance with the criteria and procedures established under paragraph (2).

(2) PROCEDURES AND CRITERIA.—The Secretary shall develop procedures and criteria designed to ensure that grants or contracts are awarded on the basis of merit as determined by the competitive peer review process described in paragraph (3).

(3) NATIONAL PANEL.—(A) The Secretary, in consultation with the Director, shall establish a national panel, or to the extent necessary, panels, to submit to the Secretary recommendations for awards of grants or contracts under this subpart. The Secretary shall appoint the members of such panel or panels.

(B) Each panel appointed under subparagraph (A) shall include participation, to the extent feasible, from each region.

SEC. 2324. REGIONAL BOARDS.

(a) IN GENERAL.—Each eligible entity receiving a grant or contract under this subpart shall establish a regional board to oversee the administration and establishment of program priorities for the regional consortium established by such eligible entity. Such regional board shall be broadly representative of the agencies and organizations participating in the regional consortium.

(b) PROHIBITION ON USE OF FEDERAL FUNDS.—No Federal funds may be used for the establishment or operation of a regional board required by subsection (a), except that at the discretion of a regional board, Federal funds may be used to provide assistance such as travel and accommodations for board members who could not otherwise afford to participate as members of the board.

SEC. 2325. PAYMENTS; FEDERAL SHARE; NON-FEDERAL SHARE.

(a) PAYMENTS.—The Secretary shall pay to each eligible entity having an application approved under section 2323 the Federal share of the cost of the activities described in the application.

(b) FEDERAL SHARE.—For the purpose of subsection (a), the Federal share shall be 80 percent.

(c) NON-FEDERAL SHARE.—The non-Federal share of the cost of activities described in the application submitted pursuant to this section may be in cash or in kind, fairly evaluated. At least 10 percent of such non-Federal share shall be from sources other than the Federal Government or State or local government.

SEC. 2326. EVALUATION.

(a) EVALUATION REQUIRED.—The Secretary, through the Office of Educational Research and Improvement and in accordance with section 10701, shall collect sufficient data on, and evaluate the effectiveness of, the activities of each regional consortium.

(b) ASSESSMENT.—The evaluations described in paragraph (1) shall include an assessment of the effectiveness of the regional consortium in meeting the needs of the schools, teachers, administrators and students in the region.

(c) REPORT.—At the end of each grant or contract period, the Secretary shall submit to the Congress a report on the effectiveness of the programs conducted at each regional consortium.

SEC. 2327. DEFINITIONS.

For purposes of this subpart:

(1) The term "eligible entity" means—

(A) a private nonprofit organization of demonstrated effectiveness;

(B) an institution of higher education;

(C) an elementary or secondary school;

(D) a State or local educational agency;

(E) a regional educational laboratory in consortium with the research and development center established under section 931(c)(1)(B)(i) of the Educational Research, Development, Dissemination, and Improvement Act of 1994; or

(F) any combination of the entities described in subparagraphs (A) through (E),

with demonstrated expertise in mathematics and science education.

(2) The terms "mathematics" and "science" include the technology education associated with such mathematics and science, respectively.

(3) The term "region" means a region of the United States served by a regional education laboratory that is supported by the Secretary pursuant to section 405(d)(4)(A)(i) of the General Education Provisions Act (as such section was in existence on the day preceding the date of enactment of the Goals 2000: Educate America Act.

(4) The term "regional consortium" means each regional mathematics and science education consortium established pursuant to section 2311.

(5) The term "State agency for higher education" means the State board of higher education or other agency or officer primarily responsible for the State supervision of higher education, or, if there is no such officer or agency, an officer or agency designated for the purpose of this title by the Governor or by State law.

SEC. 2328. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $23,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this subpart.

PART D—TERRITORIAL TEACHER TRAINING PROGRAM

SEC. 2401. TERRITORIAL TEACHER TRAINING PROGRAM.

There are authorized to be appropriated $2,000,000 for each of the fiscal years 1995 through 1999 for the purpose of assisting teacher training programs in Guam, American Samoa, the Virgin Islands, *the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and Palau. From the sums appropriated pursuant to this section the Secretary shall make grants and enter into contracts for the purpose of providing training to teachers in schools in Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and Palau. The Secretary may make grants to or contracts with any organization considered qualified to provide training for teachers in such schools and shall allot such sums among such territories on the basis of the need for such training.*

PART E—TELECOMMUNICATIONS DEMONSTRATION PROJECT FOR MATHEMATICS

SEC. 2501. PROJECT AUTHORIZED.

The Secretary is authorized to make grants to a nonprofit telecommunications entity, or partnership of such entities, for the purpose of carrying out a national telecommunications-based demonstration project to improve the teaching of mathematics. The demonstration project authorized by this part shall be designed to assist elementary and secondary school teachers in preparing all students for achieving State content standards.

SEC. 2502. APPLICATION REQUIRED.

(a) IN GENERAL.—Each nonprofit telecommunications entity, or partnership of such entities, desiring a grant under this part shall submit an application to the Secretary. Each such application shall—

(1) demonstrate that the applicant will use the existing publicly funded telecommunications infrastructure to deliver video, voice and data in an integrated service to train teachers in the use of new standards-based curricula materials and learning technologies;

(2) assure that the project for which assistance is sought will be conducted in cooperation with appropriate State educational agencies, local educational agencies, State or local nonprofit public telecommunications entities, and a national mathematics education professional association that has developed content standards;

(3) assure that a significant portion of the benefits available for elementary and secondary schools from the project for which assistance is sought will be available to schools of local educational agencies which have a high percentage of children counted for the purpose of part A of title I; and

(4) contain such additional assurances as the Secretary may reasonably require.

(b) APPROVAL OF APPLICATIONS; NUMBER OF DEMONSTRATION SITES.—In approving applications under this section, the Secretary shall assure that the demonstration project authorized by this subpart is conducted at elementary and secondary school sites in at least 15 States.

SEC. 2503. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this part, $5,000,000 for the fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years.

TITLE III—TECHNOLOGY FOR EDUCATION

SEC. 3001. SHORT TITLE.

This title may be cited as the "Technology for Education Act of 1994".

PART A—EDUCATIONAL TECHNOLOGY FOR ALL STUDENTS

SEC. 3111. FINDINGS.

The Congress finds that—

(1) technology applications can help propel our Nation's school systems into very immediate and dramatic reform, without which our Nation will not meet the National Education Goals by the target year 2000;

(2) creative uses of technology can reshape our Nation's outdated method of providing education and empower teachers to create an environment where students can be challenged through rigorous, rich classroom instruction at a pace that suits the learning style of each student;

(3) the acquisition and use of technology in education throughout the United States has been inhibited by—

(A) the limited exposure of students and teachers to the power of technology as a cost-effective tool to improve student learning and achievement;

(B) the inability of many State and local educational agencies to invest in and support needed technologies;

(C) the lack of appropriate electrical and telephone connections in the classroom; and

(D) the limited availability of technology-enhanced curriculum, professional development and administrative support resources and services in the educational marketplace;

(4) advancements in technology offer new opportunities to promote partnerships among teachers, administrators, students, parents, communities, and industry in the quest for knowledge and the process of learning;

(5) technology, when used as an essential tool in the learning process, will help cultivate and maintain a technologically literate citizenry and internationally competitive work force;

(6) the Department of Education, consistent with the overall national technology policy established by the President, must assume a vital leadership and coordinating role in developing the national vision and strategy to infuse advanced technology throughout all educational programs;

(7) Federal support can ease the burden at the State and local levels by enabling the acquisition of advanced technology and

initiating the development of teacher training and support as well as new educational products;

(8) leadership at the Federal level should consider guidelines to ensure that educational technology is accessible to all users with maximum interoperability nationwide;

(9) policies at the Federal, State, and local levels concerning technology in education must address disparities in the availability of technology to different groups of students and make it a priority to serve those students in greatest need;

(10) continuing professional development for teachers and administrators requires ongoing exposure to advancements in technology in order to keep such teachers and administrators excited and knowledgeable about the unfolding opportunities for the classroom; and

(11) the increasing use of new technologies and telecommunications systems in business has increased the gap between schooling and work force preparation, and underscores the need for technology policies at the Federal, State, tribal, and local levels that address preparation for school-to-work transitions.

SEC. 3112. STATEMENT OF PURPOSE.

It is the purpose of this part—

(1) to promote equal access for all students to educational opportunities through advances in technology, including the information infrastructure, in order to achieve the National Education Goals by the year 2000;

(2) to provide funding that will assist activities undertaken by the State and local school districts to promote and provide equipment, teacher training, and technical support;

(3) to support technical assistance, professional development, information and resource dissemination, in order to help States, local school districts, and teachers successfully integrate technology into kindergarten through 12th grade classrooms;

(4) to support the development of educational and instructional programming in core subject areas, which programming shall address the National Education Goals;

(5) to offer opportunities for creative partnerships within the marketplace in order to develop state-of-the-art educational technology products that promote the use of advanced technologies in the classroom;

(6) to avoid duplication and the development of incompatible systems by strengthening and building upon existing telecommunications infrastructures dedicated to educational purposes; and

(7) to ensure that uses of educational technology are consistent with the overall national technology policy established by the President.

SEC. 3113. DEFINITIONS.

For the purpose of this part—

(1) the term "all students" means students from a broad range of backgrounds and circumstances, including disadvantaged students, students with diverse racial, ethnic, and cultural backgrounds, students with disabilities, students with

limited-English proficiency, students who have dropped out of school, and academically talented students;

(2) the term "information infrastructure" means a network of communication systems designed to exchange information among all citizens and residents of the United States;

(3) the term "instructional programming" means the full range of audio and video data, text, graphics, or additional state-of-the-art communications, including multimedia based resources distributed through interactive, command and control, or passive methods for the purpose of education and instruction;

(4) the terms "interoperable" and "interoperability" refer to the ability to easily exchange data with, and connect to, other hardware and software in order to provide the greatest accessibility for all students;

(5) the term "local educational agency" includes an elementary or secondary school funded by the Bureau of Indian Affairs, except that such schools shall not be subject to the jurisdiction of any State educational agency other than the Bureau of Indian Affairs;

(6) the term "Office" means the Office of Educational Technology;

(7) the term "public telecommunications entity" has the same meaning given to such term by section 397(12) of the Communications Act of 1934;

(8) the term "State educational agency" includes the Bureau of Indian Affairs for purposes of serving schools funded by the Bureau of Indian Affairs in accordance with this part; and

(9) the term "technology" means state-of-the-art technology products and services, such as closed circuit television systems, educational television and radio programs and services, cable television, satellite, copper and fiber optic transmission, computer, video and audio laser and CD-ROM discs, and video and audio tapes.

Subpart 1—National Programs in Technology for Education

SEC. 3121. PURPOSES.

It is the purpose of this subpart to promote achievement of the National Education Goals and—

(1) to provide leadership at the Federal level, through the Department, by developing a national vision and strategy—

(A) to infuse technology and technology planning into all educational programs and training functions carried out within school systems at the State, tribal, and local levels;

(B) to coordinate educational technology activities among the related Federal and State departments or agencies, industry leaders, and interested educational and parental organizations;

(C) to establish working guidelines to ensure maximum interoperability nationwide and ease of access for the emerging technologies so that no school system will be excluded from the technological revolution; and

(D) to ensure that Federal technology-related policies and programs facilitate the use of technology in education;

(2) to promote awareness of the potential of technology for improving teaching and learning;

(3) to support State and local efforts to increase the effective use of technology for education;

(4) to demonstrate ways in which technology can be used to improve teaching and learning, and to help ensure that all students have an equal opportunity to meet challenging State education standards;

(5) to ensure the availability and dissemination of knowledge (drawn from research and experience) that can form the basis for sound State and local decisions about investment in, and effective uses of, educational technology;

(6) to promote high-quality professional development opportunities for teachers, pupil-services personnel and administrators regarding the integration of technology into instruction and administration;

(7) to support development, production, and distribution of technology enhanced curriculum, and instruction and administrative support resources and services;

(8) to promote the effective uses of technology in existing Federal education programs, such as part A of title I and vocational education programs; and

(9) to monitor, and disseminate information regarding, advancements in technology to encourage the development of effective educational uses of technology.

SEC. 3122. FEDERAL LEADERSHIP.

(a) ACTIVITIES AUTHORIZED.—

(1) IN GENERAL.—In order to provide Federal leadership that promotes higher student achievement through the use of technology in education and to achieve the purposes of this subpart, the Secretary, in consultation with the Office of Science and Technology Policy, the National Science Foundation, the United States National Commission on Libraries and Information Sciences, the Department of Commerce, the Department of Energy, the National Aeronautics and Space Administration, the Bureau of Indian Affairs, and other appropriate Federal departments or agencies, may carry out activities designed to achieve the purposes of this subpart.

(2) TRANSFER OF FUNDS.—For the purpose of carrying out coordinated or joint activities to achieve the purposes of this subpart, the Secretary may accept funds from, or transfer funds to, other Federal departments or agencies.

(b) NATIONAL LONG-RANGE TECHNOLOGY PLAN.—

(1) IN GENERAL.—The Secretary shall develop and publish within 12 months of the date of enactment of the Improving America's Schools Act of 1994, and update when the Secretary determines appropriate, a national long-range plan that supports the overall national technology policy and carries out the purposes of this subpart.

(2) PLAN REQUIREMENTS.—The Secretary shall—

(A) develop the national long-range plan in consultation with other Federal departments or agencies, State and local

education practitioners and policymakers, experts in technology and the educational applications of technology, representatives of distance learning consortia, representatives of telecommunications partnerships receiving assistance under the Star Schools Act, and providers of technology services and products;

(B) transmit such plan to the President and to the appropriate committees of the Congress; and

(C) publish such plan in a form that is readily accessible to the public.

(3) CONTENTS OF THE PLAN.—The national long-range plan shall describe the Secretary's activities to promote the purposes of this subpart, including—

(A) how the Secretary will encourage the effective use of technology to provide all students the opportunity to achieve State content standards and State student performance standards, especially through programs administered by the Department;

(B) joint activities in support of the overall national technology policy with other Federal departments or agencies, such as the Office of Science and Technology Policy, the National Endowment for the Humanities, the National Endowment for the Arts, the National Aeronautics and Space Administration, the National Science Foundation, the Bureau of Indian Affairs, and the Departments of Commerce, Energy, Health and Human Services, and Labor—

(i) to promote the use of technology in education, and training and lifelong learning, including plans for the educational uses of a national information infrastructure; and

(ii) to ensure that the policies and programs of such departments or agencies facilitate the use of technology for educational purposes, to the extent feasible;

(C) how the Secretary will work with educators, State and local educational agencies, and appropriate representatives of the private sector to facilitate the effective use of technology in education;

(D) how the Secretary will promote—

(i) higher achievement of all students through the integration of technology into the curriculum;

(ii) increased access to the benefits of technology for teaching and learning for schools with a high number or percentage of children from low-income families;

(iii) the use of technology to assist in the implementation of State systemic reform strategies;

(iv) the application of technological advances to use in education; and

(v) increased opportunities for the professional development of teachers in the use of new technologies;

(E) how the Secretary will determine, in consultation with appropriate individuals, organizations, industries, and agencies, the feasibility and desirability of establishing guidelines to facilitate an easy exchange of data and effective use of technology in education;

(F) how the Secretary will promote the exchange of information among States, local educational agencies, schools, consortia, and other entities concerning the effective use of technology in education;

(G) how the Secretary will utilize the outcomes of the evaluation undertaken pursuant to section 3206(c)(2) to promote the purposes of this subpart; and

(H) the Secretary's long-range measurable goals and objectives relating to the purposes of this subpart.

(c) ASSISTANCE.—The Secretary shall provide assistance to the States to enable such States to plan effectively for the use of technology in all schools throughout the State in accordance with the purpose and requirements of section 317 of the Goals 2000: Educate America Act.

(d) USES OF FUNDS.—

(1) IN GENERAL.—The Secretary shall use funds made available to carry out this section for activities designed to carry out the purpose of this subpart, including—

(A) providing assistance to technical assistance providers to enable such providers to improve substantially the services such providers offer to educators regarding the educational uses of technology, including professional development;

(B) consulting with representatives of industry, elementary and secondary education, higher education, and appropriate experts in technology and the educational applications of technology, in carrying out the activities assisted under this subpart;

(C) research on, and the development of, guidelines to facilitate maximum interoperability, efficiency and easy exchange of data for effective use of technology in education;

(D) research on, and the development of, educational applications of the most advanced and newly emerging technologies;

(E) the development, demonstration, and evaluation of applications of existing technology in preschool education, elementary and secondary education, training and lifelong learning, and professional development of educational personnel;

(F) the development and evaluation of software and other products, including multimedia television programming, that incorporate advances in technology and help achieve the National Education Goals, State content standards and State student performance standards;

(G) the development, demonstration, and evaluation of model strategies for preparing teachers and other personnel to use technology effectively to improve teaching and learning;

(H) the development of model programs that demonstrate the educational effectiveness of technology in urban and rural areas and economically distressed communities;

(I) research on, and the evaluation of, the effectiveness and benefits of technology in education, giving priority to

research on, and evaluation of, such effectiveness and benefits in elementary and secondary schools;

(J) a biennial assessment of, and report to the public regarding, the uses of technology in elementary and secondary education throughout the United States upon which private businesses and Federal, State, tribal, and local governments may rely for decisionmaking about the need for, and provision of, appropriate technologies in schools, which assessment and report shall use, to the extent possible, existing information and resources;

(K) conferences on, and dissemination of information regarding, the uses of technology in education;

(L) the development of model strategies to promote gender equity in the use of technology;

(M) encouraging collaboration between the Department and other Federal agencies in the development, implementation, evaluation and funding of applications of technology for education, as appropriate; and

(N) such other activities as the Secretary determines will meet the purposes of this subpart.

(2) SPECIAL RULES.—

(A) The Secretary shall carry out the activities described in paragraph (1) directly or by grant or contract.

(B) Each grant or contract under this section shall be awarded—

(i) on a competitive basis; and

(ii) pursuant to a peer review process.

(e) NON-FEDERAL SHARE.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Secretary may require any recipient of a grant or contract under this section to share in the cost of the activities assisted under such grant or contract, which non-Federal share shall be announced through a notice in the Federal Register and may be in the form of cash or in-kind contributions, fairly valued.

(2) INCREASE.—The Secretary may increase the non-Federal share that is required of a recipient of a grant or contract under this section after the first year such recipient receives funds under such grant or contract.

(3) MAXIMUM.—The non-Federal share required under this section shall not exceed 50 percent of the cost of the activities assisted pursuant to a grant or contract under this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this section.

SEC. 3123. REGIONAL TECHNICAL SUPPORT AND PROFESSIONAL DEVELOPMENT.

(a) GRANTS AUTHORIZED.—

(1) AUTHORITY.—The Secretary, through the Office of Educational Technology, shall make grants, on a competitive basis, to regional educational technology assistance consortia in accordance with the provisions of this section. In awarding grants under this section, the Secretary shall ensure that each geo-

graphic region of the United States shall be served by such a consortium.

(2) REQUIREMENTS.—Each consortium receiving a grant under this section shall—

(A) be composed of State educational agencies, institutions of higher education, nonprofit organizations, or a combination thereof;

(B) in cooperation with State and local educational agencies, develop a regional program that addresses professional development, technical assistance, and information resource dissemination, with special emphasis on meeting the documented needs of educators and learners in the region; and

(C) foster regional cooperation and resource and coursework sharing.

(3) SPECIAL RULE.—Each consortium receiving a grant under this section shall use not less than 80 percent of the grant funds to carry out paragraph (2) of subsection (b).

(b) FUNCTIONS.—

(1) TECHNICAL ASSISTANCE.—Each consortium receiving a grant under this section shall—

(A) collaborate with State educational agencies and local educational agencies requesting collaboration, particularly in the development of strategies for assisting those schools with the highest numbers or percentages of disadvantaged students with little or no access to technology in the classroom;

(B) provide information, in coordination with information available from the Secretary, to State educational agencies, local educational agencies, and schools on the types and features of various educational technology equipment and software available, evaluate and make recommendations on equipment and software that support the National Education Goals and are suited for a school's particular needs, and compile and share information regarding creative and effective applications of technology in the classroom in order to support the purposes of this subpart;

(C) collaborate with such State educational agencies, local educational agencies, or schools requesting to participate in the tailoring of software programs and other supporting materials to meet State content standards or State student performance standards that may be developed; and

(D) provide technical assistance to facilitate use of the electronic dissemination networks by State and local educational agencies and schools throughout the region.

(2) PROFESSIONAL DEVELOPMENT.—Each consortium receiving a grant under this section shall—

(A) develop and implement, in collaboration with State educational agencies and institutions of higher education, technology-specific, ongoing professional development, such as—

(i) intensive school year and summer workshops that use teachers to train other teachers; and

(ii) distance educational professional development, including—

(I) interactive training telecourses using researchers, educators, and telecommunications personnel who have experience in developing, implementing, or operating educational and instructional technology as a learning tool;

(II) onsite courses teaching teachers to use educational and instructional technology and to develop their own instructional materials for effectively incorporating technology and programming in their own classrooms;

(III) methods for successful integration of instructional technology into the curriculum in order to improve student learning and achievement;

(IV) video conferences and seminars which offer professional development through peer interaction with experts as well as other teachers using technologies in their classrooms; and

(V) mobile education technology and training resources;

(B) develop training resources that—

(i) are relevant to the needs of the region and schools within the region;

(ii) are relevant to the needs of adult literacy staff and volunteers, including onsite courses on how to—

(I) use instructional technology; and

(II) develop instructional materials for adult learning; and

(iii) are aligned with the needs of teachers and administrators in the region;

(C) establish a repository of professional development and technical assistance resources;

(D) identify and link technical assistance providers to State and local educational agencies, as needed;

(E) provide followup to ensure that training, professional development, and technical assistance meet the needs of educators, parents and students served by the region;

(F) assist colleges and universities within the region to develop and implement preservice training programs for students enrolled in teacher education programs; and

(G) assist local educational agencies and schools in working with community members and parents to develop support from communities and parents for educational technology programs and projects.

(3) INFORMATION AND RESOURCE DISSEMINATION.—Each consortium receiving a grant under this section shall—

(A) assist State and local educational agencies in the identification and procurement of financial, technological and human resources needed to implement technology plans;

(B) provide outreach and, at the request of a State or local educational agency, work with such agency to assist *in the development and validation of instructionally based technology education resources; and*

(C) coordinate activities and establish partnerships with organizations and institutions of higher education that represent the interests of the region as such interests pertain to the application of technology in teaching, learning, instructional management, dissemination, collection and distribution of educational statistics, and the transfer of student information.

(4) COORDINATION.—Each consortium receiving a grant under this section shall work collaboratively, and coordinate the services the consortium provides, with appropriate entities assisted in whole or in part by the Department.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $50,000,000 for the fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this section.

SEC. 3124. EDUCATIONAL TECHNOLOGY PRODUCT DEVELOPMENT.

(a) PURPOSE.—It is the purpose of this section to—

(1) support development of curriculum-based learning resources using state-of-the-art technologies and techniques designed to improve student learning; and

(2) support development of long-term comprehensive instructional programming and associated support resources that ensure maximum access by all educational institutions.

(b) FEDERAL ASSISTANCE AUTHORIZED.—

(1) AUTHORITY.—The Secretary, through the Office of Educational Technology, shall award grants, on a competitive basis, to eligible consortia to pay the Federal share of the cost of developing, producing, and distributing products consisting of curriculum-based learning resources, services, and instructional programming for teachers and students, which incorporate state-of-the-art applications of advanced technology, including educational radio and television.

(2) ELIGIBLE CONSORTIUM.—For the purpose of this subsection the term 'eligible consortium' means a consortium—

(A) that shall include—

(i) a State or local educational agency; and

(ii) a business, industry or telecommunications entity; and

(B) that may include—

(i) a public or private nonprofit organization; or

(ii) a postsecondary institution.

(3) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to applications describing products that are developed—

(A) so that the product may be adapted and applied nationally at a reasonable cost over a broad technology platform;

(B) to raise the achievement levels of all students, particularly students who are not realizing their potential;

(C) in consultation with classroom teachers;

(D) through consultation and collaboration with appropriate education entities in designing the product to ensure

relevance to the voluntary national content standards, the voluntary national student performance standards and State curriculum frameworks; and

(E) so that the product can be adapted for use by adults in need of literacy services, including English as a second language and preparation for a secondary school diploma or its recognized equivalent.

(4) MATCHING REQUIREMENT.—The Secretary may require any recipient of a grant or contract under this subpart to share in the cost of the activities assisted under such grant or contract, which non-Federal share shall be announced through a notice in the Federal Register and may be in the form of cash or in-kind contributions, fairly valued.

(5) REQUIREMENTS FOR FEDERAL ASSISTANCE.—Each eligible consortium desiring Federal assistance under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may prescribe. Each application shall include—

(A) a description of how the product will improve the achievement levels of students;

(B) a description of how the activities assisted under this section will promote professional development of teachers and administrators in the uses and applications of the product, including the development of training materials;

(C) a description of design, development, field testing, evaluation, and distribution of products, where appropriate;

(D) an assurance that the product shall effectively serve a significant number or percentage of economically disadvantaged students;

(E) plans for dissemination of products to a wide audience of learners;

(F) provisions for closed captioning or descriptive video, where appropriate;

(G) a description of how ownership and rights to the use and marketing of any product developed by the consortium, including intellectual property rights, will be allocated among consortium participants; and

(H) a description of the contributions, including services and funds, to be made by each member of the consortium, and how any revenues derived from the sale of any product developed by the consortium shall be distributed.

(c) CONSUMER REPORT.—The Secretary shall disseminate information about products developed pursuant to provisions of this section to State and local educational agencies, and other organizations or individuals that the Secretary determines to be appropriate, through print and electronic media that are accessible to the education community at large.

(d) PROCEEDS.—The Secretary shall not prohibit an eligible consortium or any of the members of such consortium from receiving financial benefits from the distribution of any products resulting from the assistance received under this section. Notwithstanding any other provision of law, any profits or royalties received by a State educational agency, local educational agency, or other non-

profit member of an eligible consortium receiving assistance under this section shall be used to support further development of curriculum-based learning resources, services, and programming or to provide access to such products for a wider audience.

(e) AUTHORIZATION OF FUNDS.—There are authorized to be appropriated $50,000,000 for the fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this section.

SEC. 3125. RESEARCH ON EDUCATIONAL APPLICATIONS OF ADVANCED TECHNOLOGIES.

(a) PURPOSE.—It is the purpose of this section to—

(1) provide direction and support for the conduct of research on advanced educational technologies; and

(2) provide support for long-term, comprehensive educational applications of advanced high performance computer and communication technologies and video technologies in support of the core subjects of the National Education Goals.

(b) GENERAL AUTHORITY.—The Secretary, consistent with the overall national technology policy established by the President, and in cooperation with other Federal departments and agencies, is authorized to support research on educational applications of advanced learning technologies.

(c) GRANTS AUTHORIZED.—The Secretary, through the Office of Educational Technology, shall award grants to or enter into contracts for research projects intended to develop educational applications of advanced technologies.

(d) APPLICATION.—Each entity desiring assistance under this section shall submit to the Secretary an application at such time, in such manner and accompanied by such information as the Secretary may reasonably require. Each such application shall—

(1) define clearly the scope and content of the subject matter of the research and the relevance of the advanced technology to such content;

(2) describe the potential market for both the hardware and software developed under this section; and

(3) assess the applications of the advanced technology in a way that will validate the technology's impact on student learning and achievement.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $20,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this section.

SEC. 3126. HIGH PERFORMANCE EDUCATIONAL COMPUTING AND TELECOMMUNICATIONS NETWORKS.

(a) PURPOSE.—It is the purpose of this section to support the development, demonstration, and evaluation of the educational aspects of high performance computing and communication technologies and of the national information infrastructure, including the use of high performance computing and communication and the national information infrastructure in—

(1) providing professional development for teachers and other educators, as appropriate;

(2) enhancing academic curricula for elementary and secondary school students in order to provide such students with op-

portunities to meet challenging State student performance standards;

(3) facilitating communications among schools, local educational agencies, parents of students, and local communities;

(4) facilitating an effective transition from secondary school to employment; and

(5) other such areas of education as the Secretary deems appropriate.

(b) AUTHORITY.—

(1) IN GENERAL.—(A) The Secretary, consistent with the overall national technology policy established by the President, and in cooperation with other Federal departments and agencies, shall support the development of an electronic network program for the dissemination of educational information throughout the United States, including information about effective technology-enhanced programs, resources and services.

(B) In carrying out subparagraph (A) the Secretary shall—

(i) to the extent possible, coordinate activities assisted under this section with other dissemination activities assisted by the Department in order to—

(I) avoid duplication; and

(II) utilize the existing resources of the Department;

(ii) consult with educators, State and local educational agencies, telecommunications providers, and other appropriate education entities throughout the United States to determine information requirements and policies for the effective dissemination of information;

(iii) provide access to the existing Department of Energy FEDIX/MOLIS Information System regarding information about excess equipment (computers and supporting materials) within the Federal Government that are available for transfer to elementary and secondary schools; and

(iv) make use of existing networks or developing networks, to the extent possible.

(2) REQUIREMENTS; SPECIFICATIONS; AND PROTOTYPE OPERATIONS.—The Secretary is authorized to—

(A) identify educational high performance computing and telecommunications network requirements;

(B) develop specifications for the implementation of such requirements within any national telecommunications network;

(C) establish prototype operations on existing networks to validate and further develop the educational specifications which will facilitate the use of such networks by kindergarten through 12th grade students, teachers, librarians, administrators, and parents;

(D) represent the needs and interests of elementary and secondary schools in the Federal planning and development of a national information infrastructure; and

(E) identify policy issues, such as communication rate structures and intellectual property rights, that affect the ability of the public schools to make effective use of the emerging information highways, and make recommendations to the Congress regarding such issues.

(c) TYPES OF GRANTS.—The Secretary, through the Office of Educational Technology, shall award the following types of grants:

(1) REQUIREMENTS GRANTS.—The Secretary shall solicit proposals for and award grants to 1 or more entities for the identification of educational high performance computing and telecommunications network requirements. The solicitation shall request proposals to—

(A) identify and describe existing and planned educational high performance computing and telecommunications network efforts;

(B) identify potential uses of such networks in kindergarten through 12th grade education by schools throughout the United States;

(C) assess impediments to the development of such networks in kindergarten through 12th grade education, such as—

(i) technological impediments;

(ii) availability of technology-enhanced curriculum, instruction, and administrative support resources and services in schools; and

(iii) parent, student, teacher and administrator attitudes toward technology-enhanced education;

(D) assess the anticipated costs and benefits to be derived from such network access in kindergarten through 12th grade education and recommend priorities for development of such network; and

(E) identify the range of possible educational applications of, and potential sources of funding for, both networks and information resources and databases that exist or are being developed by other Federal departments or agencies.

(2) SPECIFICATIONS GRANTS.—The Secretary shall solicit proposals for and award grants to 1 or more entities for the design and development of educational specifications which may be used to ensure educational access to any national educational high performance computing and telecommunications network. The solicitation shall request proposals to—

(A) incorporate—

(i) the findings of the grant recipients under paragraph (1); and

(ii) the priorities recommended for such networks by the Secretary consistent with the overall national technology policy established by the President;

(B) provide for design alternatives and specifications that address—

(i) linkage of schools and communities with each other, with central resource centers, and with Federal and State agencies over existing or planned telecommunications networks;

(ii) uses of alternative connectivity modes, such as fiber optics, satellites, and land-based broadcasting;

(iii) integrated uses of two-way interactive voice, video, and data communications;

(iv) uses of interactive multimedia;

(v) system capacity, such as maximum telecommunications traffic in a variety of use modes;

(vi) availability of needed technologies;

(vii) availability of support services; and

(viii) assessment of the impact of proposed educational access specifications on existing or planned telecommunications networks; and

(C) provide comprehensive specifications which will ensure educational access to any national educational high performance computing and telecommunications network as the primary deliverable product of the specifications grants described in this paragraph.

(3) PROTOTYPE DEVELOPMENT GRANTS.—The Secretary shall solicit proposals for and award grants to 1 or more entities for prototype operations on existing networks in order to validate and further develop the educational specifications which will facilitate use of existing or planned educational high performance computing and telecommunications networks by kindergarten through 12th grade students, teachers, librarians, administrators, and parents. The solicitation shall request proposals to—

(A) incorporate the design limits of the comprehensive educational high performance computing and telecommunications network specifications developed by grant recipients under paragraph (2);

(B) support prototype operations for at least 1 year in a minimum of 5 test sites which are selected to represent a variety of economic, social, urban and rural settings;

(C) provide for inservice training and technical assistance during the period of prototype operations;

(D) provide provisions for the identification and correction of operational problems during the period of prototype operations (including design flaws);

(E) include a comprehensive evaluation of all aspects of the prototype, including—

(i) design flaws;

(ii) training requirements, including resources and strategies for initial and on-going training;

(iii) technical support requirements;

(iv) financing constraints;

(v) availability and utility of information resources and services accessed during the prototype operations period;

(vi) factors which enhanced or impeded prototype operations; and

(vii) an overall assessment of the impact of such technology on the educational process; and

(F) provide recommended revisions of the Secretary's educational high performance computing and telecommunications network specifications based on findings of the comprehensive evaluation of prototype operations.

(d) TIMELINE.—The Secretary, through the Office of Educational Technology, shall award grants under this section as follows:

(1) REQUIREMENT GRANTS.—The Secretary shall award requirement grants under subsection (c)(1) within 6 months of the date of enactment of the Improving America's Schools Act of 1994.

(2) DEVELOPMENT OF DESIGN SPECIFICATIONS.—The Secretary shall award grants under subsection (c)(2) within 18 months of the date of enactment of the Improving America's Schools Act of 1994.

(3) PROTOTYPE OPERATIONS.—The Secretary shall award grants under subsection (c)(3) within 30 months of the date of enactment of the Improving America's Schools Act of 1994.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $7,500,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this section.

SEC. 3127. STUDY, EVALUATION AND REPORT OF FUNDING ALTERNATIVES.

The Secretary, through the Office of Educational Technology, shall conduct a study to evaluate, and report to the Congress on, the feasibility of several alternative models for providing sustained and adequate funding for schools throughout the United States so that such schools are able to acquire and maintain technology-enhanced curriculum, instruction, and administrative support resources and services. Such report shall be submitted to the Congress not later than 1 year after the date of enactment of the Improving America's Schools Act of 1994.

Subpart 2—State and Local Programs for School Technology Resources, Technical Support, and Professional Development

SEC. 3131. STATEMENT OF PURPOSE.

It is the purpose of this subpart to provide Federal assistance in the form of grants to support—

(1) the acquisition of equipment and supporting resources, training, and maintenance of technology; and

(2) regional consortia to enable such consortia to provide professional development and technical assistance that fosters integration of technology into the kindergarten through 12th grade classrooms, libraries, and school library media centers.

SEC. 3132. SCHOOL TECHNOLOGY RESOURCE GRANTS.

(a) GRANTS AUTHORIZED.—

(1) AUTHORITY.—The Secretary, through the Office of Educational Technology, shall award grants to State educational agencies having a systemic statewide plan that meets such criteria as the Secretary may establish in order to enable such agencies to provide assistance to local educational agencies that have the highest numbers or percentages of children in poverty and demonstrate the greatest need for technology, in order to enable such local educational agencies, for the benefit of school sites served by such local educational agencies, to—

(A) purchase quality technology resources;

(B) install various linkages necessary to acquire connectivity;

(C) integrate technology into the curriculum in order to improve student learning and achievement;

(D) provide teachers and library media personnel with training or access to training;

(E) provide administrative and technical support and services that improve student learning through enriched, technology-enhanced resources, including library media resources;

(F) promote the sharing, distribution, and application of educational technologies that are determined to be effective in individual schools;

(G) assist schools in promoting parent involvement; and

(H) assist the community in providing literacy-related services.

(2) AMOUNT.—(A) Except as provided in subparagraphs (B) and (C), the Secretary shall award grants under this section to each State educational agency for a fiscal year in an amount which bears the same relationship to the amount appropriated pursuant to the authority of subsection (b) for such year as the amount such State received under part A of title I for such year bears to the amount received for such year under such part by all States.

(B) No State educational agency shall receive a grant pursuant to subparagraph (A) in any fiscal year in an amount which is less than one-half of 1 percent of the amount appropriated pursuant to the authority of subsection (b) for such year.

(C) If the sum of the amounts appropriated pursuant to the authority of section 3132(c) is equal to or less than $50,000,000 for any fiscal year, then the Secretary shall award grants under this section for such year on a competitive basis to local educational agencies, either separately or in cooperation with a local educational agency or a State educational agency, which submit to the Secretary an application, containing the information described in paragraphs (1) through (3) of subsection (e), that the Secretary approves. In awarding such grants, the Secretary shall give priority to applications from local educational agencies with the highest number or percentage of disadvantaged students or the greatest need for educational technology.

(3) IDENTIFICATION OF LOCAL EDUCATIONAL AGENCIES; TECHNICAL ASSISTANCE.—Each State educational agency receiving a grant under this section shall—

(A) identify the local educational agencies served by the State educational agency that—

(i) have the highest number or percentage of children in poverty; and

(ii) demonstrate to such State educational agency the greatest need for technical assistance in developing the application described in subsection (d); and

(B) offer such technical assistance to such local educational agencies.

(4) LIMITATION ON STATE COSTS.—Not more than 5 percent of grant funds awarded to a State educational agency under this

section for any fiscal year may be used by the State or State educational agency for administrative costs or technical assistance.

(b) SELECTION OF GRANTS.—Each State educational agency, in awarding grants under this section, shall—

(1) ensure that each grant such agency awards to a local educational agency shall be of sufficient duration, and of sufficient size, scope, and quality, to carry out the purposes of this title effectively; and

(2) award grants to local educational agencies on a competitive basis.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $200,000,000 for fiscal year 1995, and such sums as may be necessary for the 4 succeeding fiscal years, to carry out this section.

(d) LOCAL USES OF GRANT FUNDS.—Each local educational agency receiving assistance under this section may use such assistance—

(1) to acquire connectivity linkages, resources, and services, including the acquisition of hardware and software, for use by teachers, students and library media personnel in the classroom or in school library media centers, in order to improve student learning by supporting the instructional program offered by such agency to ensure that students in schools will have meaningful access on a regular basis to such linkages, resources and services;

(2) for ongoing professional development in the integration of quality educational technologies into school curriculum and long-term planning for implementing educational technologies; and

(3) to acquire connectivity with wide area networks for purposes of accessing information and educational programming sources.

(e) LOCAL APPLICATIONS.—Each local educational agency desiring assistance from a State educational agency under this section shall submit an application consistent with the objectives of the systemic statewide plan to such agency at such time and in such manner as such agency may prescribe. Such application, at a minimum, shall—

(1) include a strategic, long-range (3- to 5-year), plan that includes—

(A) a description of the type of technologies to be acquired, including specific provisions for interoperability among components of such technologies and, to the extent practicable, with existing technologies;

(B) an explanation of how the acquired technologies will be integrated into the curriculum to help the local educational agency enhance teaching, training, and student achievement;

(C) an explanation of how programs will be developed in collaboration with existing adult literacy services providers to maximize the use of such technologies at times other than the regular school day;

(D)(i) a description of how the local educational agency will ensure ongoing, sustained professional development for

teachers, administrators, and school library media personnel served by the local educational agency to further the use of technology in the classroom or library media center; and

(ii) a list of the source or sources of ongoing training and technical assistance available to schools, teachers and administrators served by the local educational agency, such as State technology offices, intermediate educational support units, regional educational laboratories or institutions of higher education;

(E) a description of the supporting resources, such as services, software and print resources, which will be acquired to ensure successful and effective use of technologies acquired under this section;

(F) the projected timetable for implementing such plan in schools;

(G) the projected cost of technologies to be acquired and related expenses needed to implement such plan; and

(H) a description of how the local educational agency will coordinate the technology provided pursuant to this subpart with other grant funds available for technology from State and local sources;

(2) describe how the local educational agency will involve parents, public libraries, business leaders and community leaders in the development of such plan;

(3) describe how the acquired instructionally based technologies will help the local educational agency—

(A) promote equity in education in order to support State content standards and State student performance standards that may be developed; and

(B) provide access for teachers, parents and students to the best teaching practices and curriculum resources through technology; and

(4) describe a process for the ongoing evaluation of how technologies acquired under this section—

(A) will be integrated into the school curriculum; and

(B) will affect student achievement and progress toward meeting the National Education Goals and any State content standards and State student performance standards that may be developed.

(f) COORDINATION OF APPLICATION REQUIREMENTS.—If a local educational agency submitting an application for assistance under this section has developed a comprehensive education improvement plan, in conjunction with requirements under this Act or the Goals 2000: Educate America Act, the State educational agency may approve such plan, or a component of such plan, notwithstanding the requirements of subsection (e) if the State educational agency determines that such approval would further the purposes of this section.

Subpart 3—Special Rule Applicable to Appropriations

SEC. 3141. SPECIAL RULE.

(a) APPROPRIATION OF LESS THAN $50,000,000.—Notwithstanding any other provision of law, for any fiscal year for which the sum of

the amounts appropriated pursuant to the authority of sections 3122(f), 3123(b)(5), 3124(e), 3125(e), 3126(e), and 3132(c) is less than $50,000,000, the Secretary shall aggregate such amounts and make available—

(1) 50 percent of such aggregate amount to carry out subpart 1 for such year; and

(2) 50 percent of such aggregate amount to carry out subpart 2 for such year.

(b) APPROPRIATION EQUAL TO OR GREATER THAN $50,000,000.—Notwithstanding any other provision of law, for any fiscal year for which the sum of the amounts appropriated pursuant to the authority of sections 3122(f), 3123(b)(5), 3124(e), 3125(e), 3126(e), and 3132(c) is equal to or greater than $50,000,000, the Secretary shall aggregate such amounts and make available—

(1) the sum of $25,000,000 plus 35 percent of such aggregate amount in excess of $50,000,000 to carry out subpart 1 for such year; and

(2) the sum of $25,000,000 plus 65 percent of such aggregate amount in excess of $50,000,000 to carry out subpart 2 for such year.

PART B—STAR SCHOOLS PROGRAM

SEC. 3201. SHORT TITLE.

This part may be cited as the "Star Schools Act".

SEC. 3202. PURPOSE.

It is the purpose of this part to encourage improved instruction in mathematics, science, and foreign languages as well as other subjects, such as literacy skills and vocational education, and to serve underserved populations, including the disadvantaged, illiterate, limited-English proficient, and disabled, through a star schools program under which grants are made to eligible telecommunication partnerships to enable such partnerships to—

(1) develop, construct, acquire, maintain and operate telecommunications audio and visual facilities and equipment;

(2) develop and acquire educational and instructional programming; and

(3) obtain technical assistance for the use of such facilities and instructional programming.

SEC. 3203. GRANTS AUTHORIZED.

(a) AUTHORITY.—The Secretary, through the Office of Educational Technology, is authorized to make grants, in accordance with the provisions of this part, to eligible telecommunications partnerships to pay the Federal share of the cost of—

(1) the development, construction, acquisition, maintenance and operation of telecommunications facilities and equipment;

(2) the development and acquisition of live, interactive instructional programming;

(3) the development and acquisition of preservice and inservice teacher training programs based on established research regarding teacher-to-teacher mentoring, effective skill transfer, and ongoing, in-class instruction;

(4) the establishment of teleconferencing facilities and resources for broadcasting interactive training to teachers;

(5) obtaining technical assistance; and

(6) the coordination of the design and connectivity of telecommunications networks to reach the greatest number of schools.

(b) DURATION.—

(1) IN GENERAL.—The Secretary shall award grants pursuant to subsection (a) for a period of 5 years.

(2) RENEWAL.—Grants awarded pursuant to subsection (a) may be renewed for 1 additional 5-year period.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated $35,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this part.

(2) AVAILABILITY.—Funds appropriated pursuant to the authority of subsection (a) shall remain available until expended.

(d) LIMITATIONS.—

(1) AMOUNT.—A grant made to an eligible telecommunications partnership under this part shall not exceed $5,000,000 in any 1 fiscal year.

(2) RESERVATIONS.—

(A) INSTRUCTIONAL PROGRAMMING.—Not less than 25 percent of the funds available to the Secretary in any fiscal year under this part shall be used for the cost of instructional programming.

(B) FACILITIES AND EQUIPMENT.—Not less than 25 percent of the funds available to the Secretary in any fiscal year under this part shall be used for telecommunications facilities and equipment.

(3) SPECIAL RULE.—Not less than 50 percent of the funds available in any fiscal year under this part shall be used for the cost of facilities, equipment, teacher training or retraining, technical assistance, or programming, for local educational agencies which are eligible to receive assistance under part A of title I of the Elementary and Secondary Education Act of 1965.

(e) FEDERAL SHARE.—

(1) IN GENERAL.—The Federal share for any fiscal year shall be not more than 75 percent.

(2) WAIVER.—The Secretary may reduce or waive the requirements of the non-Federal share required under paragraph (1) for good cause, as determined by the Secretary.

(f) COORDINATION.—The Department, the National Science Foundation, the Department of Agriculture, and any other Federal department or agency operating a telecommunications network for educational purposes, shall coordinate the activities assisted under this part with the activities of such department or agency relating to a telecommunications network for educational purposes.

(g) CLOSED CAPTIONING AND DESCRIPTIVE VIDEO.—Each entity receiving funds under this part is encouraged to provide—

(1) closed captioning of the verbal content of such program, where appropriate, to be broadcast by way of line 21 of the ver-

tical blanking interval, or by way of comparable successor technologies; and

(2) descriptive video of the visual content of such program, as appropriate.

SEC. 3204. ELIGIBLE TELECOMMUNICATIONS PARTNERSHIPS.

(a) IN GENERAL.—In order to be eligible for a grant under this part, an eligible telecommunications partnership shall consist of—

(1) a public agency or corporation established for the purposes of developing and operating telecommunications services to enhance educational opportunities provided by educational institutions, teacher training centers, and other entities, except that any such agency or corporation shall represent the interest of elementary and secondary schools which are eligible for assistance under part A of title I; or

(2) a partnership that will provide telecommunications services and which includes 3 or more of the following entities, at least 1 of which shall be an agency described in subparagraph (A) or (B):

(A) a local educational agency serving a significant number of elementary and secondary schools that are eligible for assistance under part A of title I or elementary and secondary schools operated for Indian children by the Department of the Interior under section 1121(c);

(B) a State educational agency;

(C) an institution of higher education or a State higher education agency;

(D) a teacher training center or academy which—

(i) provides teacher preservice and inservice training; and

(ii) receives Federal financial assistance or has been approved by a State agency;

(E)(i) a public or private entity with experience and expertise in the planning and operation of a telecommunications service, including entities involved in telecommunications through satellite, cable, telephone or computers; or

(ii) a public broadcasting entity with such experience; or

(F) a public or private elementary or secondary school.

(b) SPECIAL RULE.—An eligible telecommunications partnership shall be organized on a statewide or multistate basis.

SEC. 3205. APPLICATIONS.

(a) APPLICATIONS REQUIRED.—Each eligible telecommunications partnership which desires to receive a grant under section 3203 shall submit an application to the Secretary, at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

(b) CONTENTS OF THE APPLICATION.—Each application submitted pursuant to subsection (a) shall—

(1) describe the telecommunications facilities and equipment and technical assistance for which assistance is sought, which may include—

(A) the design, development, construction, acquisition, maintenance and operation of State or multistate edu-

cational telecommunications networks and technology resource centers;

(B) microwave, fiber optics, cable, and satellite transmission equipment or any combination thereof;

(C) reception facilities;

(D) satellite time;

(E) production facilities;

(F) other telecommunications equipment capable of serving a wide geographic area;

(G) the provision of training services to instructors who will be using the facilities and equipment for which assistance is sought, including training in using such facilities and equipment and training in integrating programs into the classroom curriculum; and

(H) the development of educational programming for use on a telecommunications network;

(2) in the case of an application for assistance for instructional programming, describe the types of programming which will be developed to enhance instruction and training and provide assurances that such programming will be designed in consultation with professionals (including classroom teachers) who are experts in the applicable subject matter and grade level;

(3) demonstrate that the eligible telecommunications partnership has engaged in sufficient survey and analysis of the area to be served to ensure that the services offered by the eligible telecommunications partnership will increase the availability of courses of instruction in mathematics, science, and foreign languages, as well as other subjects to be offered;

(4) describe the training policies for teachers and other school personnel to be implemented to ensure the effective use of telecommunications facilities and equipment for which assistance is sought;

(5) provide assurances that the financial interest of the United States in the telecommunications facilities and equipment will be protected for the useful life of such facilities and equipment;

(6) provide assurances that a significant portion of any facilities and equipment, technical assistance, and programming for which assistance is sought for elementary and secondary schools will be made available to schools or local educational agencies that have a high number or percentage of children eligible to be counted under part A of title I;

(7) describe the manner in which traditionally underserved students, such as students who are disadvantaged, limited-English proficient, disabled, or illiterate, will participate in the benefits of the telecommunications facilities, equipment, technical assistance, and programming assisted under this part;

(8) provide assurances that the applicant will use the funds provided under this part to supplement and not supplant funds otherwise available for the purposes of this part;

(9) if any member of the consortia is receiving assistance under section 3122, describe how funds received under this part

will be coordinated with funds received for educational technology in the classroom under such section;

(10) describe the activities or services for which assistance is sought, including activities and services such as—

(A) providing facilities, equipment, training, services, and technical assistance described in paragraphs (1), (2), (4) and (7);

(B) making programs accessible to individuals with disabilities through mechanisms such as closed captioning and descriptive video services;

(C) linking networks together, for example, around an issue of national importance, such as national elections;

(D) sharing curriculum resources between networks and development of program guides which demonstrate cooperative, cross-network listing of programs for specific curriculum areas;

(E) providing teacher and student support services including classroom and training support materials which permit student and teacher involvement in the live interactive distance learning telecasts;

(F) incorporating community resources, such as libraries and museums, into instructional programs;

(G) providing teacher training to early childhood development and Head Start teachers and staff;

(H) providing teacher training to vocational education teachers and staff;

(I) providing teacher training on proposed or established voluntary national content standards in mathematics and science and other disciplines as such standards are developed;

(J) providing programs for adults at times other than the regular school day in order to maximize the use of telecommunications facilities and equipment; and

(K) providing parent education programs during and after the regular school day which reinforce the student's course of study and actively involve parents in the learning process; and

(11) include such additional assurances as the Secretary may reasonably require.

(c) APPROVAL OF APPLICATION; PRIORITY.—The Secretary, in approving applications under this part, shall give priority to applications which demonstrate that—

(1) a concentration and quality of mathematics, science, and foreign languages resources which, by their distribution through the eligible telecommunications partnership, will offer significant new educational opportunities to network participants, particularly to traditionally underserved populations and areas with scarce resources and limited access to courses in mathematics, science, and foreign languages;

(2) the eligible telecommunications partnership has secured the direct cooperation and involvement of public and private educational institutions, State and local government, and industry in planning the network;

(3) the eligible telecommunications partnership will serve the broadest range of institutions, including in the case of elementary and secondary schools, those elementary and secondary schools having a significant number of students eligible to be counted under part A of title I, programs providing instruction outside of the school setting, institutions of higher education, teacher training centers, research institutes, and private industry;

(4) a significant number of educational institutions have agreed to participate or will participate in the use of the telecommunications system for which assistance is sought;

(5) the eligible telecommunications partnership will have substantial academic and teaching capabilities, including the capability of training, retraining, and inservice upgrading of teaching skills and the capability to provide professional development leading to comprehensive effective instructional strategies, outcomes-based curriculum and parenting practices;

(6) the eligible telecommunications partnership will—

(A) provide a comprehensive range of courses for educators to teach instructional strategies for students with different skill levels;

(B) provide training to participating educators in ways to integrate telecommunications courses into existing school curriculum; and

(C) provide instruction for students, teachers, and parents;

(7) the eligible telecommunications partnership will serve a multistate area;

(8) the eligible telecommunications partnership will give priority to the provision of equipment and linkages to isolated areas;

(9) a telecommunications entity (such as a satellite, cable, telephone, computer, or public or private television stations) will participate in the partnership and will donate equipment or in kind services for telecommunications linkages; and

(10) the eligible telecommunications partnership will, in providing services with assistance under this part, meet the needs of groups of individuals traditionally excluded from careers in mathematics and science because of discrimination, inaccessibility, or economically disadvantaged backgrounds.

(d) GEOGRAPHIC DISTRIBUTION.—In approving applications under this part, the Secretary shall assure an equitable geographic distribution of grants under this part.

SEC. 3206. LEADERSHIP AND EVALUATION ACTIVITIES.

(a) RESERVATION.—From the amount appropriated pursuant to the authority of section 3203(c)(1) in each fiscal year, the Secretary may reserve not more than 5 percent of such amount for national leadership, evaluation, and peer review activities.

(b) METHOD OF FUNDING.—The Secretary may fund the activities described in subsection (a) directly or through grants, contracts, and cooperative agreements.

(c) USES OF FUNDS.—

(1) LEADERSHIP.—Funds reserved for leadership activities under subsection (a) may be used for—

(A) disseminating information, including lists and descriptions of services available from recipients; and

(B) other activities designed to enhance the quality of distance learning activities nationwide.

(2) EVALUATION.—Funds reserved for evaluation activities under subsection (a) may be used to conduct independent evaluations of the activities assisted under this part and of distance learning in general, including—

(A) analyses of distance learning efforts, including such efforts that are assisted under this part and such efforts that are not assisted under this part; and

(B) comparisons of the effects, including student outcomes, of different technologies in distance learning efforts.

(3) PEER REVIEW.—Funds reserved for peer review activities under subsection (a) may be used for peer review of—

(A) applications for grants under this part; and

(B) activities assisted under this part.

SEC. 3207. ADMINISTRATIVE PROVISIONS.

(a) CONTINUING ELIGIBILITY.—

(1) IN GENERAL.—In order to be eligible to receive a grant under this part for a second 5-year grant period an eligible telecommunications partnership shall demonstrate in the application submitted pursuant to section 3205 that such partnership will—

(A) continue to provide services in the subject areas and geographic areas assisted with funds received under this part for the previous 5-year grant period; and

(B) use all grant funds received under this part for the second 5-year grant period to provide expanded services by—

(i) increasing the number of students, schools or school districts served by the courses of instruction assisted under this part in the previous fiscal year;

(ii) providing new courses of instruction; and

(iii) serving new populations of underserved individuals, such as children or adults who are disadvantaged, have limited-English proficiency, are disabled, are illiterate, or lack secondary school diplomas or their recognized equivalent.

(2) SPECIAL RULES.—Grant funds received pursuant to the application of paragraph (1) shall be used to supplement and not supplant services provided by the recipient under this part in the previous fiscal year.

(b) FEDERAL ACTIVITIES.—The Secretary may assist grant recipients under this part in acquiring satellite time, where appropriate, as economically as possible.

SEC. 3208. OTHER ASSISTANCE.

(a) SPECIAL STATEWIDE NETWORK.—

(1) IN GENERAL.—The Secretary, through the Office of Educational Technology, may provide assistance to a statewide telecommunications network under this subsection if such network—

(A) provides 2-way full motion interactive video and audio communications;

(B) links together public colleges and universities and secondary schools throughout the State; and

(C) meets any other requirements determined appropriate by the Secretary.

(2) STATE CONTRIBUTION.—A statewide telecommunications network assisted under paragraph (1) shall contribute, either directly or through private contributions, non-Federal funds equal to not less than 50 percent of the cost of such network.

(b) SPECIAL LOCAL NETWORK.—

(1) IN GENERAL.—The Secretary may provide assistance, on a competitive basis, to a local educational agency or consortium thereof to enable such agency or consortium to establish a high technology demonstration program.

(2) PROGRAM REQUIREMENTS.—A high technology demonstration program assisted under paragraph (1) shall—

(A) include 2-way full motion interactive video, audio and text communications;

(B) link together elementary and secondary schools, colleges, and universities;

(C) provide parent participation and family programs;

(D) include a staff development program; and

(E) have a significant contribution and participation from business and industry.

(3) SPECIAL RULE.—Each high technology demonstration program assisted under paragraph (1) shall be of sufficient size and scope to have an effect on meeting the National Education Goals.

(4) MATCHING REQUIREMENT.—A local educational agency or consortium receiving a grant under paragraph (1) shall provide, either directly or through private contributions, non-Federal matching funds equal to not less than 50 percent of the amount of the grant.

SEC. 3209. DEFINITIONS.

As used in this part—

(1) the term "educational institution" means an institution of higher education, a local educational agency, or a State educational agency;

(2) the term "instructional programming" means courses of instruction, training courses, and resources used in such instruction and training, which have been prepared in audio and visual form on tape, disc, film, live, and presented by means of telecommunications devices;

(3) the term "public broadcasting entity" has the same meaning given that term by section 397 of the Communications Act of 1934; and

(4) the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, the Republic of Palau, and the Commonwealth of the Northern Mariana Islands.

PART C—READY-TO-LEARN TELEVISION

SEC. 3301. READY-TO-LEARN.

(a) IN GENERAL.—The Secretary is authorized to enter into contracts, cooperative agreements, or grants with entities described in section 3302(b) to develop, produce, and distribute educational and instructional video programming for preschool and elementary school children and their parents in order to facilitate the achievement of the National Education Goals.

(b) AVAILABILITY.—In making such contracts, cooperative agreements, or grants, the Secretary shall ensure that recipients make programming widely available with support materials as appropriate to young children, their parents, child care workers, and Head Start providers to increase the effective use of such programming.

SEC. 3302. EDUCATIONAL PROGRAMMING.

(a) AWARDS.—The Secretary shall award contracts, cooperative agreements, or grants to eligible entities to—

(1) facilitate the development directly or through contracts with producers of children and family educational television programming, educational programming for preschool and elementary school children, and accompanying support materials and services that promote the effective use of such programming; and

(2) contract with entities (such as public broadcasting entities and those funded under the Star Schools Act) in order that programs developed under this section are disseminated and distributed to the widest possible audience appropriate to be served by the programming by the most appropriate distribution technologies.

(b) ELIGIBLE ENTITIES.—To be eligible to receive a contract, cooperative agreement, or grant under subsection (a), an entity shall be—

(1) a nonprofit, entity (including a public telecommunications entity) able to demonstrate a capacity for the development and distribution of educational and instructional television programming of high quality for preschool and elementary school children; and

(2) able to demonstrate a capacity to contract with the producers of children's television programming for the purpose of developing educational television programming of high quality for preschool and elementary school children.

(c) CULTURAL EXPERIENCES.—Programming developed under this section shall reflect the recognition of diverse cultural experiences and the needs and experiences of both boys and girls in engaging and preparing young children for schooling.

SEC. 3303. DUTIES OF SECRETARY.

The Secretary is authorized—

(1) to establish and administer a Special Projects of National Significance program to award contracts, cooperative agreements, or grants to public and nonprofit private entities, or local public television stations or such public television stations that are part of a consortium with one or more State edu-

cational agencies, local educational agencies, local schools, institutions of higher education, or community-based organizations of demonstrated effectiveness, for the purpose of—

(A) addressing the learning needs of young children in limited-English proficient households, and developing appropriate educational and instructional television programming to foster the school readiness of such children;

(B) developing programming and support materials to increase family literacy skills among parents to assist parents in teaching their children and utilizing educational television programming to promote school readiness; and

(C) identifying, supporting, and enhancing the effective use and outreach of innovative programs that promote school readiness;

(2) to establish within the Department a clearinghouse to compile and provide information, referrals and model program materials and programming obtained or developed under this part to parents, child care providers, and other appropriate individuals or entities to assist such individuals and entities in accessing programs and projects under this part; and

(3) to develop and disseminate training materials, including—

(A) interactive programs and programs adaptable to distance learning technologies that are designed to enhance knowledge of children's social and cognitive skill development and positive adult-child interactions; and

(B) support materials to promote the effective use of materials developed under paragraph (2);

among parents, Head Start providers, in-home and center based day care providers, early childhood development personnel, and elementary school teachers, public libraries, and after school program personnel caring for preschool and elementary school children;

(4) coordinate activities with the Secretary of Health and Human Services in order to—

(A) maximize the utilization of quality educational programming by preschool and elementary school children, and make such programming widely available to federally funded programs serving such populations; and

(B) provide information to recipients of funds under Federal programs that have major training components for early childhood development, including Head Start, Even Start, and State training activities funded under the Child Care Development Block Grant Act of 1990 regarding the availability and utilization of materials developed under paragraph (3) to enhance parent and child care provider skills in early childhood development and education.

SEC. 3304. APPLICATIONS.

Each eligible entity desiring a contract, cooperative agreement, or grant under section 3301 or 3303 shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

SEC. 3305. REPORTS AND EVALUATION.

(a) ANNUAL REPORT TO SECRETARY.—An entity receiving funds under section 3301 shall prepare and submit to the Secretary an annual report which contains such information as the Secretary may require. At a minimum, the report shall describe the program activities undertaken with funds received under this section, including—

(1) the programming that has been developed directly or indirectly by the entity, and the target population of the programs developed;

(2) the support materials that have been developed to accompany the programming, and the method by which such materials are distributed to consumers and users of the programming;

(3) the means by which programming developed under this section has been distributed, including the distance learning technologies that have been utilized to make programming available and the geographic distribution achieved through such technologies; and

(4) the initiatives undertaken by the entity to develop public-private partnerships to secure non-Federal support for the development and distribution and broadcast of educational and instructional programming.

(b) REPORT TO CONGRESS.—The Secretary shall prepare and submit to the relevant committees of Congress a biannual report which includes—

(1) a summary of the information made available under section 3302(a); and

(2) a description of the training materials made available under section 3303(3), the manner in which outreach has been conducted to inform parents and child care providers of the availability of such materials, and the manner in which such materials have been distributed in accordance with such section.

SEC. 3306. ADMINISTRATIVE COSTS.

With respect to the implementation of section 3302, entities receiving a contract, cooperative agreement, or grant from the Secretary may use not more than 5 percent of the amounts received under such section for the normal and customary expenses of administering the contract, cooperative agreement, or grant.

SEC. 3307. DEFINITION.

For the purposes of this part, the term 'distance learning' means the transmission of educational or instructional programming to geographically dispersed individuals and groups via telecommunications.

SEC. 3308. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this part, $30,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years. Not less than 60 percent of the amounts appropriated under this subsection for each fiscal year shall be used to carry out section 3302.

(b) SPECIAL PROJECTS.—Of the amount appropriated under subsection (1) for each fiscal year, at least 10 percent of such amount

shall be utilized in each such fiscal year for activities under section 3303(1)(C).

PART D—ELEMENTARY MATHEMATICS AND SCIENCE EQUIPMENT PROGRAM

SEC. 3401. SHORT TITLE.

This part may be cited as the "Elementary Mathematics and Science Equipment Act".

SEC. 3402. STATEMENT OF PURPOSE.

It is the purpose of this part to raise the quality of instruction in mathematics and science in the Nation's elementary schools by providing equipment and materials necessary for hands-on instruction through assistance to State and local educational agencies.

SEC. 3403. PROGRAM AUTHORIZED.

The Secretary is authorized to make allotments to State educational agencies under section 3404 to enable such agencies to award grants to local educational agencies for the purpose of providing equipment and materials to elementary schools to improve mathematics and science education in such schools.

SEC. 3404. ALLOTMENTS OF FUNDS.

(a) IN GENERAL.—From the amount appropriated under section 3410 for any fiscal year, the Secretary shall reserve—

(1) not more than one-half of 1 percent for allotment among Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and Palau according to their respective needs for assistance under this part; and

(2) one-half of 1 percent for programs for Indian students served by schools funded by the Secretary of the Interior which are consistent with the purposes of this part.

(b) ALLOTMENT.—The remainder of the amount so appropriated (after meeting requirements in subsection (a)) shall be allotted among State educational agencies so that—

(1) one-half of such remainder shall be distributed by allotting to each State educational agency an amount which bears the same ratio to such one-half of such remainder as the number of children aged 5 to 17, inclusive, in the State bears to the number of such children in all States; and

(2) one-half of such remainder shall be distributed according to each State's share of allocations under part A of title I,

except that no State educational agency shall receive less than one-half of 1 percent of the amount available under this subsection in any fiscal year or less than the amount allotted to such State for fiscal year 1988 under title II of the Education for Economic Security Act.

(c) REALLOTMENT OF UNUSED FUNDS.—The amount of any State educational agency's allotment under subsection (b) for any fiscal year to carry out this part which the Secretary determines will not be required for that fiscal year to carry out this part shall be available for reallotment from time to time, on such dates during that year as the Secretary may determine, to other State educational

agencies in proportion to the original allotments to those State educational agencies under subsection (b) for that year but with such proportionate amount for any of those other State educational agencies being reduced to the extent it exceeds the sum the Secretary estimates that the State educational agency needs and will be able to use for that year, and the total of those reductions shall be similarly reallotted among the State educational agencies whose proportionate amounts were not so reduced. Any amounts reallotted to a State educational agency under this subsection during a year shall be deemed a part of the State educational agency's allotment under subsection (b) for that year.

(d) DEFINITION.—For the purposes of this part the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(e) DATA.—The number of children aged 5 to 17, inclusive, in the State and in all States shall be determined by the Secretary on the basis of the most recent satisfactory data available to the Secretary.

SEC. 3405. STATE APPLICATION.

(a) APPLICATION.—Each State educational agency desiring to receive an allotment under this part shall file an application with the Secretary which covers a period of 5 fiscal years. Such application shall be filed at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

(b) CONTENTS OF APPLICATION.—Each application described in subsection (a) shall—

(1) provide assurances that—

(A) the State educational agency shall use the allotment provided under this part to award grants to local educational agencies within the State to enable such local educational agencies to provide assistance to schools served by such agency to carry out the purpose of this part;

(B) the State educational agency will provide such fiscal control and funds accounting as the Secretary may require;

(C) every public elementary school in the State is eligible to receive assistance under this part once over the 5-year duration of the program assisted under this part;

(D) funds provided under this part will supplement, not supplant, State and local funds made available for activities authorized under this part;

(E) during the 5-year period described in the application, the State educational agency will evaluate its standards and programs for teacher preparation and inservice professional development for elementary mathematics and science;

(F) the State educational agency will take into account the needs for greater access to and participation in mathematics and science by students and teachers from historically underrepresented groups, including females, minorities, individuals with limited-English proficiency, the economically disadvantaged, and individuals with disabilities; and

(G) that the needs of teachers and students in areas with high concentrations of low-income students and sparsely

populated areas will be given priority in awarding assistance under this part;

(2) provide, if appropriate, a description of how funds paid under this part will be coordinated with State and local funds and other Federal resources, particularly with respect to programs for the professional development and inservice training of elementary school teachers in science and mathematics; and

(3) describe procedures—

(A) for submitting applications for programs described in section 3406 for distribution of assistance under this part within the State; and

(B) for approval of applications by the State educational agency, including appropriate procedures to assure that such agency will not disapprove an application without notice and opportunity for a hearing.

(c) STATE ADMINISTRATION.—Not more than 5 percent of the funds allotted to each State educational agency under this part shall be used for the administrative costs of such agency associated with carrying out the program assisted under this part.

SEC. 3406. LOCAL APPLICATION.

(a) APPLICATION.—A local educational agency that desires to receive a grant under this part shall submit an application to the State educational agency. Each such application shall contain assurances that each school served by the local educational agency shall be eligible for assistance under this part only once.

(b) CONTENTS OF APPLICATION.—Each application described in subsection (a) shall—

(1) describe how the local educational agency plans to set priorities on the use and distribution among schools of grant funds received under this part to meet the purpose of this part;

(2) include assurances that the local educational agency has made every effort to match on a dollar-for-dollar basis from private or public sources the funds received under this part, except that no such application shall be penalized or denied assistance under this part based on failure to provide such matching funds;

(3) describe, if applicable, how funds under this part will be coordinated with State, local, and other Federal resources, especially with respect to programs for the professional development and inservice training of elementary school teachers in science and mathematics; and

(4) describe the process which will be used to determine different levels of assistance to be awarded to schools with different needs.

(c) PRIORITY.—In awarding grants under this part, the State educational agency shall give priority to applications that—

(1) assign highest priority to providing assistance to schools which—

(A) are most seriously underequipped; or

(B) serve large numbers or percentages of economically disadvantaged students;

(2) are attentive to the needs of underrepresented groups in science and mathematics;

(3) demonstrate how science and mathematics equipment will be part of a comprehensive plan of curriculum planning or implementation and teacher training supporting hands-on laboratory activities; and

(4) assign priority to providing equipment and materials for students in grades 1 through 6.

SEC. 3407. PROGRAM REQUIREMENTS.

(a) COORDINATION.—Each State educational agency receiving an allotment under this part shall—

(1) disseminate information to school districts and schools, including private nonprofit elementary schools, regarding the program assisted under this part;

(2) evaluate applications of local educational agencies;

(3) award grants to local educational agencies based on the priorities described in section 3406(c); and

(4) evaluate local educational agencies' end-of-year summaries and submit such evaluation to the Secretary.

(b) LIMITATIONS ON USE OF FUNDS.—

(1) IN GENERAL.—Except as provided in paragraph (2), grant funds and matching funds under this part only shall be used to purchase science equipment, science materials, or mathematical manipulative materials and shall not be used for computers, computer peripherals, software, textbooks, or staff development costs.

(2) CAPITAL IMPROVEMENTS.—Grant funds under this part may not be used for capital improvements. Not more than 50 percent of any matching funds provided by the local educational agency may be used for capital improvements of classroom science facilities to support the hands-on instruction that this part is intended to support, such as the installation of electrical outlets, plumbing, lab tables or counters, or ventilation mechanisms.

SEC. 3408. FEDERAL ADMINISTRATION.

(a) TECHNICAL ASSISTANCE AND EVALUATION PROCEDURES.—The Secretary shall provide technical assistance and, in consultation with State and local representatives of the program assisted under this part, shall develop procedures for State and local evaluations of the programs assisted under this part.

(b) REPORT.—The Secretary shall report to the Congress each year on the program assisted under this part in accordance with section 10701.

SEC. 3409. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $30,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this part.

PART E—ELEMENTARY AND SECONDARY SCHOOL LIBRARY MEDIA RESOURCES PROGRAM

SEC. 3501. PROGRAM AUTHORIZED.

The Secretary shall award grants or make allocations for the acquisition of school library media resources for the use of students, library media specialists, and teachers in elementary and secondary schools in accordance with this part.

SEC. 3502. FUNDING REQUIREMENTS.

(a) IN GENERAL.—From the amount appropriated to carry out part A in each fiscal year, the Secretary shall make available at least 10 percent but not more than 20 percent of such amount to make awards in accordance with subsection (b) to States having a plan approved under section 3503.

(b) SPECIAL RULE.—

(1) AMOUNTS BELOW $50,000,000.—If the amount made available under subsection (a) for a fiscal year is less than $50,000,000, then the Secretary shall award grants to States, on a competitive basis, taking into account such factors as age and condition of existing school library media collections and the relative economic need of the students to be served.

(2) AMOUNTS EQUAL TO OR EXCEEDING $50,000,000.—If the amount made available under subsection (a) for a fiscal year equals or exceeds $50,000,000, then the Secretary shall allocate to each State an amount which bears the same relationship to such amount as the amount such State received under title II for such year bears to the amount all States received under such title for such year.

SEC. 3503. STATE PLANS.

In order for a State to receive a grant or an allocation of funds under this part for any fiscal year, such State shall have in effect for such fiscal year a State plan. Such plan shall—

(1) designate the State educational agency as the State agency responsible for the administration of the program assisted under this part;

(2) set forth a program under which funds paid to the State in accordance with section 3502 will be expended solely for—

(A) acquisition of school library media resources, including books and foreign language resources, for the use of students, school library media specialists, and teachers in elementary and secondary schools in the United States; and

(B) administration of the State plan, including development and revision of standards, relating to school library media resources, except that the amount used for administration of the State plan in any fiscal year shall not exceed 3 percent of the amount available to such State under section 3502 for such fiscal year; and

(3) set forth criteria to be used in allotting funds for school library media resources among the local educational agencies of the State, which allotment shall take into consideration the relative need of the students, school media specialists, and teachers to be served.

SEC. 3504. DISTRIBUTION OF ALLOCATION TO LOCAL EDUCATIONAL AGENCIES.

From the funds made available under section 3502 to a State in each fiscal year, such State shall distribute not less than 97 percent of such funds for such year to local educational agencies within such State on the same basis as allocations are made available to States under section 2122.

PART F—BUDDY SYSTEM COMPUTER EDUCATION

SEC. 3601. SHORT TITLE.

This part may be cited as the "Buddy System Computer Education Act".

SEC. 3602. PURPOSE.

It is the purpose of this part to award demonstration grants to develop and expand public-private partnership programs which extend the learning experience, via computers, beyond the classroom environment in order to—

(1) enhance learning by providing students with the technological tools and guidance necessary to develop skills critical to educational growth and success in the workplace, including—

(A) mastery of fundamental computer technology and applications;

(B) improved written and visual communication skills;

(C) improved critical thinking and problem solving abilities; and

(D) improved ability to work in a collaborative, teamwork-driven environment;

(2) encourage parental involvement in education and total family use and understanding of computers and telecommunications through at-home applications; and

(3) establish foundations for lifelong learning through improvement in education skills and student motivation and attitudes.

SEC. 3603. GRANT AUTHORIZATION.

(a) GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary shall conduct a program of awarding a grant to each of 3 States to enable such States to create a computer-based education project for children in grades 4 through 6 in accordance with the requirements of section 3604.

(2) AWARD BASIS.—The Secretary shall award grants under this part on a competitive basis.

(3) PREFERENCE.—In awarding grants under this part, the Secretary shall give preference to applications—

(A) from States that have a demonstrated ability or commitment to computer-based technology education; and

(B) describing projects that serve school districts which serve a large number or percentage of economically disadvantaged students.

(b) SITE SELECTION AND PROJECT IMPLEMENTATION.—Site selection and implementation of the computer-based education projects

assisted under this part shall take place not later than 9 months after funds are appropriated to carry out this part pursuant to the authority of section 3608.

SEC. 3604. PROGRAM REQUIREMENTS.

Each State receiving a grant to conduct a computer-based education project under this part shall—

(1) provide a continuous 3-year computer-based education project to 2 consecutive groups of 4th, 5th, and 6th grade elementary school students during the period commencing with each such group's entry into 4th grade and ending the summer following each such group's completion of 6th grade;

(2) ensure that each student in each of the classes participating in the project shall participate in the project;

(3) conduct such project in not more than 7 public elementary schools within the State; and

(4) ensure that each student participating in the project shall have access to a computer—

(A) at school during the school year; and

(B) at home during the school year and summer.

SEC. 3605. APPLICATIONS.

(a) APPLICATION REQUIRED.—In order to receive a grant under this part, the State educational agency shall submit an application to the Secretary in such form and containing such information as the Secretary may reasonably require. Such application shall include an assurance from the State educational agency that the State educational agency has made every effort to match on a dollar-for-dollar basis from private or public sources the funds received under this part, except that no such application shall be penalized or denied assistance under this part on the basis of the failure to provide such matching funds.

(b) APPLICATION PERIOD.—States shall be eligible to submit applications for assistance under this part during a 3-month period determined by the Secretary.

SEC. 3606. USE OF FUNDS.

Grant funds under this part shall be used to provide hardware and software components to all sites, and training for classroom teachers as well as parents, administrators and technical personnel.

SEC. 3607. EVALUATION.

The Secretary shall evaluate the demonstration program assisted under this part and shall report to the Congress regarding the overall effectiveness of such program.

SEC. 3608. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $5,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this part.

TITLE IV—MAGNET SCHOOLS ASSISTANCE

SEC. 4101. FINDINGS.

The Congress finds that—

(1) magnet schools are a significant part of our Nation's effort to achieve voluntary desegregation in our Nation's schools;

(2) the use of magnet schools has increased dramatically since the date of enactment of the Magnet Schools Assistance program, with approximately 1,400,000 students nationwide now attending such schools, of which more than 60 percent of the students are nonwhite;

(3) magnet schools offer a wide range of distinctive programs that have served as models for school improvement efforts;

(4) in administering the Magnet Schools Assistance program, the Federal Government has learned that—

(A) where magnet programs are implemented for only a portion of a school's student body, special efforts must be made to discourage the isolation of—

(i) magnet students from other students in the school; and

(ii) students by racial characteristics;

(B) school districts can maximize their effectiveness in achieving the purposes of the Magnet Schools Assistance program if such districts have more flexibility in the administration of such program in order to serve students attending a school who are not enrolled in the magnet school program;

(C) school districts must be creative in designing magnet schools for students at all academic levels, so that school districts do not skim off only the highest achieving students to attend the magnet schools;

(D) consistent with desegregation guidelines, school districts must seek to enable participation in magnet school programs by students who reside in the neighborhoods where the programs operate; and

(E) in order to ensure that magnet schools are sustained after Federal funding ends, the Federal Government must assist school districts to improve their capacity to continue to operate magnet schools at a high level of performance;

(5) it is in the best interest of the Federal Government to—

(A) continue the Federal Government's support of school districts implementing court-ordered desegregation plans and school districts seeking to foster meaningful interaction among students of different racial and ethnic backgrounds, beginning at the earliest stage of such students' education;

(B) ensure that all students have equitable access to quality education that will prepare such students to function well in a culturally diverse, technologically oriented, and highly competitive, global community; and

(C) maximize the ability of school districts to plan, develop, implement and continue effective and innovative magnet schools that contribute to State and local systemic reform.

SEC. 4102. STATEMENT OF PURPOSE.

The purpose of this title is to assist in the desegregation of school districts by providing financial assistance to eligible local educational agencies for—

(1) the elimination, reduction, or prevention of minority group isolation in elementary and secondary schools with substantial proportions of minority students;

(2) the development and implementation of magnet school projects that will assist local educational agencies in achieving systemic reforms and providing all students the opportunity to meet challenging State content standards and challenging State student performance standards;

(3) the development and design of innovative educational methods and practices; and

(4) courses of instruction within magnet schools that will substantially strengthen the knowledge of academic subjects and the grasp of tangible and marketable vocational skills of students attending such schools.

SEC. 4103. PROGRAM AUTHORIZED.

The Secretary, in accordance with this title, is authorized to make grants to local educational agencies, and consortia of such agencies where appropriate, to carry out the purpose of this title for magnet schools that are—

(1) part of an approved desegregation plan; and

(2) designed to bring students from different social, economic, ethnic, and racial backgrounds together.

SEC. 4104. DEFINITION.

For the purpose of this title, the term "magnet school" means a public school or public education center that offers a special curriculum capable of attracting substantial numbers of students of different racial backgrounds.

SEC. 4105. ELIGIBILITY.

A local educational agency, or consortium of such agencies where appropriate, is eligible to receive assistance under this title to carry out the purposes of this title if such agency or consortium—

(1) is implementing a plan undertaken pursuant to a final order issued by a court of the United States, or a court of any State, or any other State agency or official of competent jurisdiction, and that requires the desegregation of minority-group-segregated children or faculty in the elementary and secondary schools of such agency; or

(2) without having been required to do so, has adopted and is implementing, or will, if assistance is made available to such local educational agency or consortium of such agencies under this part, adopt and implement a plan that has been approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 for the desegregation of minority-group-segregated children or faculty in such schools.

SEC. 4106. APPLICATIONS AND REQUIREMENTS.

(a) APPLICATIONS.—An eligible local educational agency or consortium of such agencies desiring to receive assistance under this title shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require.

(b) INFORMATION AND ASSURANCES.—Each such application shall include—

(1) a description of—

(A) how assistance made available under this title will be used to promote desegregation, including how the proposed magnet school project will increase interaction among students of different social, economic, ethnic, and racial backgrounds;

(B) the manner and extent to which the magnet school project seeks to increase student achievement in the instructional area or areas offered by the school;

(C) how an applicant will continue the magnet school project after assistance under this title may no longer be available, including, if applicable, an explanation of why magnet schools established or supported by the applicant with funds under this title cannot be continued without the use of funds under this part;

(D) how funds under this title will be used to implement services and activities that are consistent with—

(i) the State plan described in section 1111; and

(ii) the local educational agency's plan described in section 1112; and

(E) the criteria to be used in selecting students to attend the proposed magnet school projects; and

(2) assurances that the applicant will—

(A) use funds under this title for the purposes specified in section 4102;

(B) employ State certified or licensed teachers in the courses of instruction assisted under this title to teach or supervise others who are teaching the subject matter of the courses of instruction;

(C) not engage in discrimination based on race, religion, color, national origin, sex, or disability in—

(i) the hiring, promotion, or assignment of employees of the agency or other personnel for whom the agency has any administrative responsibility;

(ii) the assignment of students to schools, or to courses of instruction within the school, of such agency, except to carry out the approved plan; and

(iii) designing or operating extracurricular activities for students;

(D) carry out a high-quality education program that will encourage greater parental decisionmaking and involvement; and

(E) give students residing in the local attendance area of the proposed magnet school projects equitable consideration for places in those projects.

(c) SPECIAL RULE.—No application may be approved under this section unless the Assistant Secretary of Education for Civil Rights determines that the assurances described in subsection (b)(2)(C) will be met.

SEC. 4107. PRIORITY.

In approving applications under this title, the Secretary shall give priority to applicants that—

(1) demonstrate the greatest need for assistance, based on the expense or difficulty of effectively carrying out an approved de-

segregation plan and the projects for which assistance is sought;

(2) propose to carry out new magnet school projects, or significantly revise existing magnet school projects, which include revisions to enable a magnet school to implement effective educational approaches that are consistent with the State's and the local educational agency's State or local improvement plans, if any;

(3) propose to select students to attend magnet school projects on the basis of multiple criteria which may include a lottery, rather than solely academic examination; and

(4) propose to draw on comprehensive community involvement plans.

SEC. 4108. USE OF FUNDS.

(a) IN GENERAL.—Grant funds made available under this title may be used by an eligible local educational agency or consortium of such agencies—

(1) for planning and promotional activities directly related to the development, expansion, continuation, or enhancement of academic programs and services offered at magnet schools;

(2) for the acquisition of books, materials, and equipment, including computers and the maintenance and operation thereof, necessary for the conduct of programs in magnet schools;

(3) for the payment of, or subsidization of the compensation of, elementary and secondary school teachers who are certified or licensed by the State, and instructional staff, where applicable, and who are necessary for the conduct of programs in magnet schools; and

(4) with respect to a magnet school program offered to less than the entire student population of a school, for instructional activities that—

(A) are designed to make available the special curriculum that is offered by the magnet school project to students who are enrolled in the school but who are not enrolled in the magnet school program; and

(B) further the purposes of this title.

(b) SPECIAL RULE.—Grant funds under this title may be used in accordance with paragraphs (2) and (3) of subsection (a), only if the activities described in such paragraphs are directly related to improving the students' reading skills or knowledge of mathematics, science, history, geography, English, foreign languages, art, or music, or to improving vocational skills.

SEC. 4109. PROHIBITIONS.

Grants under this title may not be used for transportation, or for any activity that does not augment academic improvement.

SEC. 4110. LIMITATION ON PAYMENTS.

(a) DURATION OF AWARDS.—A grant under this title shall be awarded for a period that shall not exceed four fiscal years.

(b) LIMITATION ON PLANNING FUNDS.—

(1) IN GENERAL.—A local educational agency may expend for planning not more than 50 percent of the funds received under this title for the first year of the project, 25 percent of such

funds for the second such year, and 10 percent of such funds for the third such year.

(2) SPECIAL RULE.—A local educational agency shall not expend funds under this title for planning after the third year of a project assisted under this title.

(c) FEDERAL SHARE.—

(1) IN GENERAL.—The Federal share of the cost of any project assisted under this title shall not exceed 100 percent for the first and second years of the project, 90 percent for the third such year, and 70 percent for the fourth or any subsequent such year including any year for which a grant is renewed pursuant to a new grant competition under this title.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of any project assisted under this title may be in cash or in kind, including planned equipment or services, fairly valued, and may include other Federal education funds.

(d) LIMITATION ON GRANTS.—No local educational agency or consortium receiving a grant under this section shall receive more than $4,000,000 under this part in any one fiscal year.

(e) AWARD REQUIREMENT.—To the extent practicable, for any fiscal year, the Secretary shall award grants to local educational agencies or consortia under this title not later than June 30 of the applicable fiscal year.

SEC. 4111. INNOVATIVE PROGRAMS.

(a) IN GENERAL.—From amounts reserved under section 4112(d) for each fiscal year, the Secretary shall award grants to local educational agencies described in section 4105 to enable such agencies to conduct innovative programs that—

(1) carry out the purpose of this part; and

(2) do not involve magnet schools.

(b) APPLICABILITY.—Sections 4103, 4106, 4107, and 4108, shall not apply to grants awarded under subsection (a).

(c) APPLICATIONS.—Each local educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require.

SEC. 4112. AUTHORIZATION OF APPROPRIATIONS; RESERVATION.

(a) AUTHORIZATION.—For the purpose of carrying out this title, there are authorized to be appropriated $120,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

(b) AVAILABILITY OF FUNDS FOR GRANTS TO AGENCIES NOT PREVIOUSLY ASSISTED.—In any fiscal year for which the amount appropriated pursuant to subsection (a) exceeds $75,000,000, the Secretary shall give priority to using such amounts in excess of $75,000,000 to award grants to local educational agencies or consortia that did not receive a grant under this part in the preceding fiscal year.

(c) EVALUATIONS.—

(1) IN GENERAL.—The Secretary may reserve not more than two percent of the funds appropriated under subsection (a) for any fiscal year to carry out evaluations of projects assisted under this part.

(2) CONTENTS.—Each evaluation described in paragraph (1), at a minimum, shall address—

(A) how and the extent to which magnet school programs lead to educational quality and improvement;

(B) the extent to which magnet school programs enhance student access to quality education;

(C) the extent to which magnet school programs lead to the elimination, reduction, or prevention of minority group isolation in elementary and secondary schools with substantial proportions of minority students; and

(D) the extent to which magnet school programs differ from other school programs in terms of the organizational characteristics and resource allocations of such magnet school programs.

(d) INNOVATIVE PROGRAMS.—The Secretary shall reserve not more than 5 percent of the funds appropriated under subsection (a) for each fiscal year to award grants under section 4111.

TITLE V—BETTER SCHOOLS FOR AMERICA

PART A—SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES

SEC. 5101. FINDINGS.

The Congress finds as follows:

(1) The seventh National Education Goal provides that by the year 2000, all schools in America will be free of drugs and violence and the unauthorized presence of firearms and alcohol, and offer a disciplined environment that is conducive to learning.

(2) The widespread use of alcohol and other drugs among the Nation's secondary school students, and increasingly by students in elementary schools as well, constitutes a grave threat to the physical and mental well-being of such students, and significantly impedes the learning process. For example, data show that students who drink tend to receive lower grades and are more likely to miss school because of illness than students who do not drink.

(3) Our Nation's schools and communities are increasingly plagued by violence and crime. Approximately 3,000,000 thefts and violent crimes occur in or near our Nation's schools every year, the equivalent of more than 16,000 incidents per school day.

(4) Violence that is linked to prejudice and intolerance victimizes entire communities leading to more violence and discrimination.

(5) Violence and drug abuse have numerous personal and societal roots, and character education is an important component of any comprehensive strategy to address the serious problems of violence and drug abuse.

(6) The tragic consequences of violence and the illegal use of alcohol and other drugs by students are felt not only by stu-

dents and their families, but by such students' communities and the Nation, which can ill afford to lose such students' skills, talents, and vitality.

(7) Alcohol and tobacco are the most widely used drugs among young people. Both of these drugs can, and do, have adverse consequences for users, their families, communities, schools, and colleges. Drug prevention programs for youth that address only controlled drugs send an erroneous message that alcohol and tobacco do not present significant problems, or that society is willing to overlook their use. To be credible, messages opposing illegal drug use by youth should address all drugs.

(8) Every day approximately 3,000 children start smoking. Thirty percent of all secondary school seniors are smokers. Half of all new smokers begin smoking before the age of 14, 90 percent of such smokers begin before the age of 21, and the average age of the first use of smokeless tobacco is under the age of 10. Use of tobacco products has been linked to serious health problems. However, because the nicotine in tobacco is addictive, many tobacco users find it difficult to stop using tobacco once such users have started. Drug education and prevention programs that include tobacco have been effective in reducing teenage use of tobacco.

(9) Drug and violence prevention programs are essential components of a comprehensive strategy to promote school safety and to reduce the demand for and use of drugs throughout the Nation. Schools and local organizations in communities throughout the Nation have a special responsibility to work together to combat the growing epidemic of violence and illegal drug use and should measure the success of their programs against clearly defined goals and objectives.

(10) Students must take greater responsibility for their own well-being, health, and safety if schools and communities are to achieve the goals of providing a safe, disciplined, and drug-free learning environment.

SEC. 5102. PURPOSE.

The purpose of this title is to support programs to meet the seventh National Educational Goal by preventing violence in and around schools and by strengthening programs that prevent the illegal use of alcohol, tobacco, and other drugs, involve parents, and are coordinated with related Federal, State, and community efforts and resources, through the provision of Federal assistance to—

(1) States for grants to local and intermediate educational agencies and consortia to establish, operate, and improve local programs of school drug and violence prevention, early intervention, rehabilitation referral, and education in elementary and secondary schools (including intermediate and junior high schools);

(2) States for grants to, and contracts with, community-based organizations and other public and private nonprofit agencies and organizations for programs of drug and violence prevention, early intervention, rehabilitation referral, and education for school dropouts and other high-risk youth;

(3) States for development, training, technical assistance, and coordination activities;

(4) institutions of higher education to establish, operate, expand, and improve programs of school drug and violence prevention, education, and rehabilitation referral for students enrolled in colleges and universities; and

(5) public and private nonprofit organizations to conduct training, demonstrations, research, and evaluation, and to provide supplementary services for the prevention of drug use and violence among students and youth.

SEC. 5103. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $660,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this part, of which not more than 10 percent shall be available in each fiscal year to carry out subpart 2.

Subpart 1—State Grants for Drug and Violence Prevention Programs

SEC. 5111. RESERVATIONS AND ALLOTMENTS.

(a) RESERVATIONS.—From the amount made available to carry out this subpart for each fiscal year under section 5103, the Secretary—

(1) shall reserve 1 percent of such amount for grants under this subpart to Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and Palau, to be allotted in accordance with the Secretary's determination of their respective needs;

(2) shall reserve 1 percent of such amount for the Secretary of the Interior to carry out programs under this part for Indian youth;

(3) shall reserve 0.2 percent of such amount for programs for Native Hawaiians under section 5119; and

(4) may reserve not more than $1,000,000 for the national impact evaluation required by section 5118(a).

(b) STATE ALLOTMENTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall, for each fiscal year, allocate among the States—

(A) one-half of the remainder not reserved under subsection (a) according to the ratio between the school-aged population of each State and the school-aged population of all the States; and

(B) one-half of such remainder according to the ratio between the amount each State received under section 1122 for the preceding year (or, for fiscal year 1995 only, sections 1005 and 1006 of this Act as such sections were in existence on the day preceding the date of enactment of the Improving America's Schools Act of 1994) and the sum of such amounts received by all the States.

(2) MINIMUM.—For any fiscal year, no State shall be allotted under this subsection an amount that is less than one-half of

1 percent of the total amount allotted to all the States under this subsection.

(3) REALLOTMENT.—The Secretary may reallot any amount of any allotment to a State if the Secretary determines that the State will be unable to use such amount within two years of such allotment. Such reallotments may be made by the Secretary in the same manner as allotments are made under paragraph (1).

(4) DEFINITION.—For the purpose of this subsection, the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

SEC. 5112. STATE APPLICATIONS.

(a) IN GENERAL.—In order to receive an allotment under section 5111 for any fiscal year, a State shall submit to the Secretary, at such time as the Secretary may require, an application that—

(1) contains the results of the State's needs assessment for drug and violence prevention programs, which shall be based on the results of on-going State evaluation activities, including data on the prevalence of drug use and violence by youth in schools and communities;

(2) contains assurances that the application was developed in consultation and coordination with appropriate State officials and others, including the chief State school officer, the head of the State alcohol and drug abuse agency, the heads of the State health and mental health agencies, the head of the State criminal justice planning agency, the head of the State child welfare agency, the head of the State board of education, or their designees, and representatives of parent, student, and community-based organizations; and

(3) contains a description of the procedures the State educational agency will use to review applications from local educational agencies under section 5115.

(b) STATE EDUCATIONAL AGENCY FUNDS.—A State's application under this section shall also contain a comprehensive plan for the use of funds under section 5113(a) by the State educational agency that includes—

(1) a statement of the State educational agency's measurable goals and objectives for drug and violence prevention and a description of the procedures such agency will use for assessing and publicly reporting progress toward meeting those goals and objectives;

(2) a plan for monitoring the implementation of, and providing technical assistance regarding, the drug and violence prevention programs conducted by local educational agencies in accordance with section 5116;

(3) a description of how the State educational agency will use funds such agency reserves under section 5113(b);

(4) a description of how the State educational agency will coordinate such agency's activities under this subpart with the chief executive officer's drug and violence prevention programs under this subpart and with the prevention efforts of other State agencies; and

(5) an explanation of the criteria the State educational agency will use to identify which local educational agencies receive

supplemental funds under section 5113(d)(2)(A)(ii) and how the supplemental funds will be allocated among those local educational agencies.

(c) GOVERNOR'S FUNDS.—A State's application under this section shall also contain a comprehensive plan for the use of funds under section 5114(a) by the chief executive officer that includes—

(1) a statement of the chief executive officer's measurable goals and objectives for drug and violence prevention and a description of the procedures to be used for assessing and publicly reporting progress toward meeting those goals and objectives;

(2) a description of how the chief executive officer will coordinate such officer's activities under this part with the State educational agency and other State agencies and organizations involved with drug and violence prevention efforts;

(3) a description of how funds reserved under section 5114(a) will be used so as not to duplicate the efforts of the State educational agency and local educational agencies with regard to the provision of school-based prevention efforts and services and how those funds will be used to serve populations not normally served by the State educational agency, such as school dropouts and youth in detention centers;

(4) a description of how the chief executive officer will award funds under section 5114(a) and a plan for monitoring the performance of, and providing technical assistance to, recipients of such funds; and

(5) a description of how funds will be used to support community-wide comprehensive drug and violence prevention planning.

(d) PEER REVIEW.—The Secretary shall use a peer review process in reviewing State applications under this section.

(e) INTERIM APPLICATION.—Notwithstanding any other provisions of this section, a State may submit for fiscal year 1995 a one-year interim application and plan for the use of funds under this subpart that are consistent with the requirements of this section and contain such information as the Secretary may specify in regulations. The purpose of such interim application and plan shall be to afford the State the opportunity to fully develop and review such State's application and comprehensive plan otherwise required by this section. A State may not receive a grant under this subpart for a fiscal year subsequent to fiscal year 1995 unless the Secretary has approved such State's application and comprehensive plan in accordance with this subpart.

SEC. 5113. STATE AND LOCAL EDUCATIONAL AGENCY PROGRAMS.

(a) USE OF FUNDS.—An amount equal to 80 percent of the total amount allocated to a State under section 5111 for each fiscal year shall be used by the State educational agency and its local educational agencies for drug and violence prevention activities in accordance with this section.

(b) STATE LEVEL PROGRAMS.—

(1) IN GENERAL.—A State educational agency shall use not more than 5 percent of the amount available under subsection (a) for activities such as—

(A) training and technical assistance concerning drug and violence prevention for local and intermediate edu-

cational agencies, including teachers, administrators, coaches and athletic directors, other staff, parents, students, community leaders, health service providers, local law enforcement officials, and judicial officials;

(B) the development, identification, dissemination and evaluation of the most readily available, accurate, and up-to-date curriculum materials, for consideration by local educational agencies;

(C) making available to local educational agencies cost effective programs for youth violence and drug abuse prevention;

(D) demonstration projects in drug and violence prevention;

(E) training, technical assistance, and demonstration projects to address violence associated with prejudice and intolerance;

(F) financial assistance to enhance resources available for drug and violence prevention in areas serving large numbers of economically disadvantaged children or sparsely populated areas, or to meet other special needs consistent with the purposes of this subpart; and

(G) evaluation activities required by this subpart.

(2) SPECIAL RULE.—A State educational agency may carry out activities under this subsection directly, or through grants or contracts.

(c) STATE ADMINISTRATION.—A State educational agency may use not more than 5 percent of the amount made available under subsection (a) for the administrative costs of carrying out such agency's responsibilities under this subpart.

(d) LOCAL EDUCATIONAL AGENCY PROGRAMS.—

(1) IN GENERAL.—A State educational agency shall distribute not less than 90 percent of the amount made available under subsection (a) for each fiscal year to local educational agencies in accordance with this subsection.

(2) DISTRIBUTION.—(A) Of the amount distributed under subsection (d)(1), a State educational agency shall distribute—

(i) 70 percent of such amount to local educational agencies, based on the relative enrollments in public and private nonprofit elementary and secondary schools within the boundaries of such agencies; and

(ii) 30 percent of such amount to local educational agencies that the State educational agency determines have the greatest need for additional funds to carry out drug and violence prevention programs authorized by this subpart.

(B)(i) A State educational agency shall distribute funds under subparagraph (A)(ii) to not more than 10 percent of the local educational agencies in the State, or five such agencies, whichever is greater.

(ii) In determining which local educational agencies have the greatest need for additional funds, the State educational agency shall consider factors such as—

(I) high rates of alcohol or other drug use among youth;

(II) high rates of victimization of youth by violence and crime;

(III) high rates of arrests and convictions of youth for violent or drug- or alcohol-related crime;

(IV) the extent of illegal gang activity;

(V) high incidence of violence associated with prejudice and intolerance;

(VI) high rates of referrals of youths to drug and alcohol abuse treatment and rehabilitation programs;

(VII) high rates of referrals of youths to juvenile court;

(VIII) high rates of expulsions and suspensions of students from schools; and

(IX) high rates of reported cases of child abuse and domestic violence.

(e) REALLOCATION OF FUNDS.—If a local educational agency chooses not to apply to receive the amount allocated to such agency under subsection (d), or if such agency's application under section 5115 is disapproved by the State educational agency, the State educational agency shall reallocate such amount to one or more of the local educational agencies determined by the State educational agency under subsection (d)(2)(B) to have the greatest need for additional funds.

SEC. 5114. GOVERNOR'S PROGRAMS.

(a) USE OF FUNDS.—

(1) IN GENERAL.—An amount equal to 20 percent of the total amount allocated to a State under section 5111 for each fiscal year shall be used by the chief executive officer of such State for drug and violence prevention programs and activities in accordance with this section.

(2) ADMINISTRATIVE COSTS.—A chief executive officer may use not more than 5 percent of the amount reserved under subsection (a)(1) for the administrative costs incurred in carrying out the duties of such officer under this section.

(b) PROGRAMS AUTHORIZED.—

(1) IN GENERAL.—A chief executive officer shall use funds made available under subsection (a)(1) for grants to or contracts with parent groups, community action and job training agencies, community-based organizations, and other public entities and private nonprofit organizations and consortia thereof. In making such grants and contracts, a chief executive officer shall give priority to programs and activities described in subsection (c) for—

(A) children and youth who are not normally served by State or local educational agencies; or

(B) populations that need special services or additional resources (such as preschoolers, youth in juvenile detention facilities, runaway or homeless children and youth, pregnant and parenting teenagers, and school dropouts).

(2) PEER REVIEW.—Grants or contracts awarded under this subsection shall be subject to a peer review process.

(c) AUTHORIZED ACTIVITIES.—Grants and contracts under subsection (b) shall be used for programs and activities such as—

(1) disseminating information about drug and violence prevention;

(2) training parents, law enforcement officials, judicial officials, social service providers, health service providers and com-

munity leaders about drug and violence prevention, comprehensive health education, early intervention, pupil services, or rehabilitation referral;

(3) developing and implementing comprehensive, community-based drug and violence prevention programs that link community resources with schools and integrate services involving education, vocational and job skills training and placement, law enforcement, health, mental health, community service, mentoring, and other appropriate services;

(4) planning and implementing drug and violence prevention activities that coordinate the efforts of State agencies with efforts of the State educational agency and its local educational agencies;

(5) activities to protect students traveling to and from school;

(6) before-and-after school recreational, instructional, cultural, and artistic programs that encourage drug- and violence-free lifestyles;

(7) professional development workshops for teachers and curricula that promote the awareness of and sensitivity to alternatives to violence through courses of study that include related issues of intolerance and hatred in history;

(8) developing and implementing activities to prevent and reduce violence associated with prejudice and intolerance;

(9) developing and implementing strategies to prevent illegal gang activity;

(10) coordinating and conducting community-wide violence and safety assessments and surveys;

(11) age appropriate programs to prevent child abuse;

(12) activities such as community service and service-learning projects; and

(13) evaluating programs and activities assisted under this section.

SEC. 5115. LOCAL APPLICATIONS.

(a) APPLICATION REQUIRED.—

(1) IN GENERAL.—In order to be eligible to receive a distribution under section 5113(d) for any fiscal year, a local educational agency shall submit, at such time as the State educational agency requires, an application to the State educational agency for approval. Such an application shall be amended, as necessary, to reflect changes in the local educational agency's program.

(2) DEVELOPMENT.—(A) A local educational agency shall develop its application under subsection (a)(1) in consultation with a local or substate regional advisory council that includes, to the extent possible, representatives of local government, business, parents, students, teachers, pupil services personnel, appropriate State agencies, private schools, the medical profession, law enforcement, community-based organizations, and other groups with interest and expertise in drug and violence prevention.

(B) In addition to assisting the local educational agency to develop an application under this section, the advisory council established or designated under paragraph (2)(A) shall, on an ongoing basis—

(i) disseminate information about drug and violence prevention programs, projects, and activities conducted within the boundaries of the local educational agency;

(ii) advise the local educational agency on how best to coordinate such agency's activities under this subpart with other related programs, projects, and activities and the agencies that administer such programs, projects, and activities; and

(iii) review program evaluations and other relevant material and make recommendations to the local educational agency on how to improve such agency's drug and violence prevention programs.

(b) CONTENTS OF APPLICATIONS.—An application under this section shall contain—

(1) a description of the current alcohol, tobacco, and other drug problems as well as the violence, safety, prejudice, and discipline problems among students who attend the schools of the applicant (including private school students who participate in the applicant's drug and violence prevention program);

(2) a detailed explanation of the local educational agency's comprehensive plan for drug and violence prevention, which shall include a description of—

(A) how that plan is consistent with, and promotes the goals in, the State's application under section 5112;

(B) the local educational agency's measurable goals for drug and violence prevention, and a description of how such agency will assess and publicly report progress toward attaining these goals;

(C) how the local educational agency will use its distribution under this subpart;

(D) how the local educational agency will coordinate such agency's programs and projects with community-wide efforts to achieve such agency's goals for drug and violence prevention; and

(E) how the local educational agency will coordinate such agency's programs and projects with other Federal, State, and local programs for drug-abuse prevention, including health programs; and

(3) such other information and assurances as the State educational agency may reasonably require.

(c) REVIEW OF APPLICATION.—

(1) IN GENERAL.—A State educational agency shall use a peer review process in reviewing local applications under this section.

(2) CONSIDERATIONS.—(A) In determining whether to approve the application of a local educational agency under this section, a State educational agency shall consider the quality of the local educational agency's comprehensive plan under subsection (b)(2) and the extent to which such plan is consistent with, and supports, the State's application under section 5112 and the State's plan under section 1111.

(B) A State educational agency may disapprove a local educational agency application under this section in whole or in part and may withhold, limit, or place restrictions on the use

of funds distributed to such a local educational agency in a manner the State educational agency determines will best promote the purposes of this part or the State's plan under section 1111.

SEC. 5116. LOCAL DRUG AND VIOLENCE PREVENTION PROGRAMS.

(a) PROGRAM REQUIREMENTS.—A local educational agency shall use funds received under this subpart to adopt and carry out a comprehensive drug and violence prevention program which shall—

(1) be designed, for all students and employees, to—

(A) prevent the use, possession, and distribution of tobacco, alcohol and illegal drugs by students and to prevent the illegal use, possession, and distribution of such substances by employees;

(B) prevent violence and promote school safety; and

(C) create a disciplined environment conducive to learning; and

(2) include activities to promote the involvement of parents and coordination with community groups and agencies, including the distribution of information about the local educational agency's needs, goals, and programs under this subpart.

(b) AUTHORIZED ACTIVITIES.—A comprehensive drug and violence prevention program carried out under this subpart may include—

(1) age-appropriate, developmentally based drug prevention and education programs for all students, from the preschool level through grade 12, that address the legal, social, personal and health consequences of the use of illegal drugs, promote a sense of individual responsibility, and provide information about effective techniques for resisting peer pressure to use illegal drugs;

(2) programs of drug prevention, comprehensive health education, early intervention, pupil services, mentoring, or rehabilitation referral, which emphasize students' sense of individual responsibility and which may include—

(A) the dissemination of information about drug prevention;

(B) the professional development of school personnel, parents, students, law enforcement officials, judicial officials, health service providers and community leaders in prevention, education, early intervention, pupil services or rehabilitation referral; and

(C) the implementation of strategies, including strategies to integrate the delivery of services from a variety of providers, to combat illegal alcohol, tobacco and other drug use, such as—

(i) family counseling;

(ii) early intervention activities that prevent family dysfunction, enhance school performance, and boost attachment to school and family; and

(iii) activities, such as community service and service-learning projects, that are designed to increase students' sense of community;

(3) age-appropriate, developmentally based violence prevention and education programs for all students, from the preschool level through grade 12, that address the legal, health,

personal, and social consequences of violent and disruptive behavior, including sexual harassment and abuse, and victimization associated with prejudice and intolerance, and that include activities designed to help students develop a sense of individual responsibility and respect for the rights of others, and to resolve conflicts without violence;

(4) violence prevention programs for school-aged youth, which emphasize students' sense of individual responsibility and may include—

(A) the dissemination of information about school safety and discipline;

(B) the professional development of school personnel, parents, students, law enforcement officials, judicial officials, and community leaders in designing and implementing strategies to prevent school violence;

(C) the implementation of strategies, such as conflict resolution and peer mediation, and the use of mentoring programs, to combat school violence and other forms of disruptive behavior, such as sexual harassment;

(D) the development and implementation of character education programs that are tailored by communities, parents and schools, and based on the tenets of democracy, self discipline, and personal and civic responsibility, and guided by the principles of community and national laws, in order to reduce the problems of violence and drug abuse; and

(E) comprehensive, community-wide strategies to prevent or reduce illegal gang activities;

(5) supporting "safe zones of passage" for students between home and school through such measures as Drug- and Weapon-Free School Zones, enhanced law enforcement, and neighborhood patrols;

(6) acquiring and installing metal detectors and hiring security personnel;

(7) reimbursing law enforcement authorities for their personnel who participate in school violence prevention activities;

(8) professional development workshops for teachers and other staff and curricula that promote the awareness of and sensitivity to alternatives to violence through courses of study that include related issues of intolerance and hatred in history;

(9) the promotion of before-and-after school recreational, instructional, cultural, and artistic programs in supervised community settings;

(10) drug abuse resistance education programs, designed to teach students to recognize and resist pressures to use alcohol or other drugs, which may include activities such as classroom instruction by uniformed law enforcement officers, resistance techniques, resistance to peer pressure and gang pressure, and provision for parental involvement; and

(11) the evaluation of any of the activities authorized under this subsection.

(c) LIMITATIONS.—

(1) IN GENERAL.—Not more than 10 percent of the funds made available to a local educational agency under this sub-

part may be used to carry out the activities described in paragraphs (5), (6), and (7) of subsection (b).

(2) SPECIAL RULE.—A local educational agency shall only be able to use funds received under this subpart for activities described in paragraphs (5), (6), and (7), of subsection (b) if funding for such activities is not received from other Federal agencies.

SEC. 5117. EVALUATION AND REPORTING.

(a) NATIONAL IMPACT EVALUATION.—The Secretary, in consultation with the Secretary of Health and Human Services, the Director of the Office of National Drug Control Policy, and the Attorney General, shall conduct an independent biennial evaluation of the national impact of programs assisted under this subpart and submit a report of the findings of such evaluation to the President and the Congress.

(b) STATE REPORT.—

(1) IN GENERAL.—By October 1, 1997, and every third year thereafter, the chief executive officer of the State, in cooperation with the State educational agency, shall submit to the Secretary a report—

(A) on the implementation and outcomes of State programs under section 5114 and section 5113(b) and local programs under section 5113(d), as well as an assessment of their effectiveness; and

(B) on the State's progress toward attaining its goals for drug and violence prevention under subsections (b)(1) and (c)(1) of section 5112.

(2) SPECIAL RULE.—The report required by this subsection shall be—

(A) in the form specified by the Secretary;

(B) based on the State's on-going evaluation activities, and shall include data on the prevalence of drug use and violence by youth in schools and communities; and

(C) made readily available to the public.

(c) LOCAL EDUCATIONAL AGENCY REPORT.—Each local educational agency receiving funds under this subpart shall submit to the State educational agency whatever information, and at whatever intervals, the State requires to complete the State report required by subsection (b), including information on the prevalence of drug use and violence by youth in the schools and the community. Such information shall be made readily available to the public.

SEC. 5118. PROGRAMS FOR HAWAIIAN NATIVES.

(a) GENERAL AUTHORITY.—From the funds made available pursuant to section 5111(a)(3) to carry out this section, the Secretary shall make grants to or enter into cooperative agreements or contracts with organizations primarily serving and representing Hawaiian natives which are recognized by the Governor of the State of Hawaii to plan, conduct, and administer programs, or portions thereof, which are authorized by and consistent with the provisions of this title for the benefit of Hawaiian natives.

(b) DEFINITION OF 'HAWAIIAN NATIVE'.—For the purposes of this section, the term 'Hawaiian native' means any individual any of

whose ancestors were natives, prior to 1778, of the area which now comprises the State of Hawaii.

Subpart 2—National Programs

SEC. 5121. FEDERAL ACTIVITIES.

(a) PROGRAM AUTHORIZED.—From funds made available to carry out this subpart under section 5103, the Secretary, in consultation with the Secretary of Health and Human Services, the Director of the Office of National Drug Control Policy, and the Attorney General, shall carry out programs to prevent the illegal use of drugs and violence among, and promote safety and discipline for, students at all educational levels, prekindergarten through postsecondary. The Secretary shall carry out such programs directly, or through grants, contracts, or cooperative agreements with public and private nonprofit organizations and individuals, or through agreements with other Federal agencies, and shall coordinate such programs with other appropriate Federal activities. Such programs may include—

(1) the development and demonstration of innovative strategies for training school personnel, parents, and members of the community, including the demonstration of model preservice training programs for prospective school personnel;

(2) demonstrations and rigorous evaluations of innovative approaches to drug and violence prevention;

(3) drug and violence prevention research that is coordinated with other Federal agencies and is directed toward improving programs and activities under this part;

(4) program evaluations in accordance with section 10701 that address issues not addressed under section 5117(a);

(5) direct services to schools and school systems afflicted with especially severe drug and violence problems;

(6) activities in communities designated as empowerment zones or enterprise communities that will connect schools to community-wide efforts to reduce drug and violence problems;

(7) the development of education and training programs, curricula, instructional materials, and professional training and development for preventing and reducing the incidence of crimes and conflicts motivated by hate in localities most directly affected by hate crimes;

(8) developing and disseminating drug and violence prevention materials, including model curricula; and

(9) other activities that meet unmet national needs related to the purposes of this part.

(b) PEER REVIEW.—The Secretary shall use a peer review process in reviewing applications for funds under this section.

SEC. 5122. GRANTS TO INSTITUTIONS OF HIGHER EDUCATION.

(a) IN GENERAL.—From funds made available to carry out this subpart under section 5103, the Secretary is authorized to make grants to, or enter into contracts with, institutions of higher education, or consortia of such institutions, for drug and violence prevention programs under this section. Awards under this section shall support the development, implementation, validation, and dis-

semination of model programs and strategies to promote the safety of students attending institutions of higher education by preventing violent behavior and the illegal use of alcohol and other drugs by such students.

(b) APPLICATIONS.—An institution of higher education, or consortium of such institutions, that desires to receive an award under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. The Secretary shall use a peer review process for reviewing applications for funds under this section.

(c) EQUITABLE PARTICIPATION.—The Secretary shall make every reasonable effort to ensure the equitable participation in the activities assisted under this section of private and public institutions of higher education (including community and junior colleges), institutions of limited enrollment, and institutions in different geographic regions.

Subpart 3—General Provisions

SEC. 5131. DEFINITIONS.

For the purposes of this part, the following terms have the following meanings:

(1) The term "drug and violence prevention" means—

(A) with respect to drugs, prevention, early intervention, rehabilitation referral, or education related to the illegal use of alcohol, the use of tobacco and the use of controlled, illegal, addictive, or harmful substances, including inhalants and anabolic steroids; and

(B) with respect to violence, the promotion of school safety, such that students and school personnel are free from violent and disruptive acts, including sexual harassment and abuse, and victimization associated with prejudice and intolerance, on school premises, going to and from school, and at school-sponsored activities, through the creation and maintenance of a school environment that is free of weapons and fosters individual responsibility and respect for the rights of others.

(2) The term "hate crime" means a crime as described in section 1(b) of the Hate Crime Statistics Act of 1990.

(3) The term "nonprofit", as applied to a school, agency, organization, or institution means a school, agency, organization, or institution owned and operated by one or more nonprofit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(4) The term "school-aged population" means the population aged five through 17, as determined by the Secretary on the basis of the most recent satisfactory data available from the Department of Commerce.

(5) The term "school personnel" includes teachers, administrators, guidance counselors, social workers, psychologists, nurses, librarians, and other support staff who are employed by a school or who perform services for the school on a contractual basis.

SEC. 5132. MATERIALS.

(a) "WRONG AND HARMFUL" MESSAGE.—Drug prevention programs supported under this part shall convey a clear and consistent message that the illegal use of alcohol and other drugs is wrong and harmful.

(b) CURRICULUM.—The Secretary shall not prescribe the use of specific curricula for programs supported under this part, but may evaluate the effectiveness of such curricula and other strategies in drug and violence prevention.

SEC. 5133. PROHIBITED USES OF FUNDS.

No funds under this part may be used for—

(1) construction (except for minor remodeling needed to accomplish the purposes of this part); and

(2) medical services, except for pupil services or referral to treatment for students who are victims of or witnesses to crime or who use alcohol, tobacco, or other drugs.

PART B—ASSISTANCE TO ADDRESS SCHOOL DROPOUT PROBLEMS

SEC. 5201. SHORT TITLE.

This part may be cited as the "School Dropout Assistance Act".

SEC. 5202. PURPOSE.

The purpose of this part is to reduce the number of children who do not complete their elementary and secondary education by providing grants to local educational agencies to establish—

(1) effective programs to identify potential student dropouts, including pregnant and parenting teenagers, and prevent such students from dropping out of school;

(2) effective programs to identify and encourage children who have already dropped out to reenter school and complete their elementary and secondary education;

(3) effective early intervention programs designed to identify at-risk students in elementary and secondary schools; and

(4) model systems for collecting and reporting information to local school officials on the number, ages, sex, race or ethnicity, and grade levels of the children not completing their elementary and secondary education and the reasons why such children have dropped out of school.

SEC. 5203. GRANTS TO LOCAL EDUCATIONAL AGENCIES.

(a) ALLOTMENT TO CATEGORIES OF LOCAL EDUCATIONAL AGENCIES.—From the amount appropriated under section 5208 for any fiscal year, the Secretary shall first reserve not more than $2,000,000 for the purposes of evaluating programs carried out with assistance under this part in accordance with section 10701. From the remaining amount, the Secretary shall allot the following percentages to each of the following categories of local educational agencies:

(1) Local educational agencies administering schools with a total enrollment of 100,000 or more elementary and secondary school students shall be allotted 25 percent of such remaining amount.

(2) Local educational agencies administering schools with a total enrollment of at least 20,000 but less than 100,000 elementary and secondary school students shall be allotted 40 percent of such remaining amount.

(3) Local educational agencies administering schools with a total enrollment of less than 20,000 elementary and secondary school students shall be allotted 30 percent of such remaining amount. Grants may be made under this paragraph to educational service agencies and consortia of not more than 5 local educational agencies in any case in which the total enrollment of the largest such local educational agency is less than 20,000 elementary and secondary students. Such agencies and consortia may also apply in conjunction with the State educational agency. Not less than 20 percent of funds available under this paragraph shall be awarded to local educational agencies administering schools with a total enrollment of less than 2,000 elementary and secondary school students.

(4) Community-based organizations shall be allotted 5 percent of such remaining amount. Grants under this category shall be made after consultation between the community-based organization and the local educational agency that is to benefit from such a grant.

(b) SPECIAL CONSIDERATION.—

(1) IN GENERAL.—The Secretary shall give special consideration to awarding funds available for each category described in paragraphs (1), (2), and (3) of subsection (a) to local educational agencies participating in an educational partnership.

(2) EDUCATIONAL PARTNERSHIPS.—Educational partnerships under this subsection shall include—

(A) a local educational agency; and

(B) a business concern or business organization, community-based organization, nonprofit private organization, institution of higher education, State educational agency, State or local public agency, private industry council (established under the Job Training Partnership Act), museum, library, or educational television or broadcasting station.

(c) AWARD OF GRANT.—From the amount allotted for any fiscal year to a category of local educational agencies under subsection (a), the Secretary shall award as many grants as practicable within each such category to local educational agencies and educational partnerships whose applications have been approved by the Secretary for such fiscal year under section 5204 and whose applications propose a program of sufficient size, scope, and quality to be effective. Any local educational agency, educational partnership, or community-based organization that has received a grant under this part shall be eligible for additional funds subject to the requirements under this part. The grants shall be made under such terms and conditions as the Secretary shall prescribe consistent with the provisions of this part.

(d) USE OF FUNDS WHEN NOT FULLY ALLOTTED TO CATEGORIES UNDER SUBSECTION (a).—

(1) IN GENERAL.—Whenever the Secretary determines that the full amount of the sums allotted under any category set forth

under subsection (a) will not be required for applications of the local educational agencies in the case of categories described in paragraphs (1) through (3) of subsection (a), the Secretary shall make the amount not so required available to another category under subsection (a). In carrying out the provisions of this subsection, the Secretary shall assure that the transfer of amounts from one category to another is made to a category in which there is the greatest need for funds.

(2) PEER REVIEW.—In order to transfer funds under this subsection, the Secretary shall use a peer review process to determine that such excess funds are not needed to fund projects in particular categories and shall prepare a list of the categories in which funds were not fully expended and the reasons therefor, and make such list available to local educational agencies and educational partnerships, upon request. The Secretary may use the peer review process to determine grant recipients of funds transferred in accordance with this subsection.

(e) FEDERAL SHARE.—

(1) FEDERAL SHARE.—The Federal share of a grant under this part may not exceed—

(A) 90 percent of the total cost of a project for the first year for which the project receives assistance under this part; and

(B) 75 percent of such cost in each such succeeding fiscal year.

(2) REMAINING COSTS.—The remaining cost of a project that receives assistance under this part may be paid from any source other than funds made available under this part, except that not more than 10 percent of the remaining cost in any fiscal year may be provided from Federal sources other than this part.

(3) NON-FEDERAL SHARE.—The share of payments from sources other than funds made available under this part may be in cash or in kind fairly evaluated, including plant, equipment or services.

SEC. 5204. APPLICATION.

(a) APPLICATION REQUIRED.—

(1) IN GENERAL.—A grant under this part may be made only to a local educational agency or an educational partnership which submits an application to the Secretary containing such information as may be required by the Secretary by regulation.

(2) DURATION.—Each such application shall be for a 1-year period.

(b) CONTENTS.—Each such application shall—

(1) provide documentation of—

(A) the number of children who were enrolled in the schools of the applicant for the 5 academic years prior to the date application is made who have not completed their elementary or secondary education and who are classified as school dropouts; and

(B) the percentage that such number of children is of the total school-age population in the applicant's schools;

(2) include a plan for the development and implementation of a school dropout information collection and reporting system for documenting the extent and nature of the dropout problem,

which system shall collect and cross tabulate data, where feasible, by sex according to race or ethnicity and socioeconomic status;

(3) include a plan for coordinated activities involving at least 1 secondary school and its feeder junior high or middle schools and elementary schools for local educational agencies that have feeder systems;

(4) when applicable, describe how programs assisted under this part will be coordinated with, and not duplicate, programs assisted under title I;

(5) include a description of how the program assisted under this part is consistent with the second National Education Goal and other Federal programs as appropriate; and

(6) contain such other information as the Secretary considers necessary to determine the nature of the local needs, the quality of the proposed project, and the capability of the applicant to carry out the project.

(c) PRIORITY.—The Secretary shall, in approving applications under this section, give priority to applications which both show the replication of successful programs conducted in other local educational agencies or the expansion of successful programs within a local educational agency and reflect very high numbers or very high percentages of school dropouts in the schools of the applicant in each category described in section 5203(a).

(d) SPECIAL CONSIDERATION.—The Secretary shall give additional special consideration to applications that include—

(1) provisions which emphasize early intervention services designed to identify at-risk students in elementary or early secondary schools; and

(2) provisions for significant parental involvement.

(e) GRANTS FOR NEW GRANTEES.—In awarding grants under this part the Secretary shall utilize only those priorities and special considerations described in subsections (c) and (d).

SEC. 5205. AUTHORIZED ACTIVITIES.

Grants under this part shall be used to carry out plans set forth in applications approved under section 5204. In addition, grants may be used for educational, occupational, and basic skills testing services and activities, including, but not limited to—

(1) the establishment of systemwide or school-level policies, procedures, and plans for dropout prevention and school reentry;

(2) the development and implementation of activities, including extended day or summer programs, designed to address poor achievement, basic skills deficiencies, language deficiencies, or course failures, in order to assist students at risk of dropping out of school and students reentering school;

(3) the establishment or expansion of work-study, apprentice, or internship programs;

(4) the use of resources of the community, including contracting with public or private entities or community-based organizations of demonstrated performance, to provide services to the grant recipient or the target population;

(5) the evaluation and revision of program placement of students at risk;

(6) the evaluation of program effectiveness of dropout programs;

(7) the development and implementation of programs for traditionally underserved groups of students;

(8) the implementation of activities which will improve student motivation and the school learning environment;

(9) the provision of training for school personnel on strategies and techniques designed to—

(A) identify children at risk of dropping out;

(B) intervene in the instructional program with support and remedial services;

(C) develop realistic expectations for student performance; and

(D) improve student-staff interactions;

(10) the study of the relationship between drugs and dropouts and between youth gangs and dropouts, and the coordination of dropout prevention and reentry programs with appropriate drug prevention and community organizations for the prevention of youth gangs;

(11) the study of the relationship between disabling conditions and student dropouts;

(12) the study of the relationship between the dropout rate for gifted and talented students compared to the dropout rate for the general student enrollment;

(13) the use of educational telecommunications and broadcasting technologies and educational materials designed to extend, motivate, and reinforce school, community, and home dropout prevention and reentry activities;

(14) the development and implementation of efforts to identify and address factors in a student's decision to drop out of school that are related to gender and family roles;

(15) the provision of other educational, occupational and testing services and activities which directly relate to the purpose of this part;

(16) activities which offer jobs and college admissions for successful completion of the program for which assistance is sought;

(17) summer employment programs;

(18) occupational training programs;

(19) career opportunity and skills counseling;

(20) job placement services;

(21) the development of skill employment competency testing programs;

(22) special school staff training projects; and

(23) mentoring programs.

SEC. 5206. DISTRIBUTION OF ASSISTANCE; LIMITATION ON COSTS.

(a) DISTRIBUTION OF ASSISTANCE.—The Secretary shall ensure that, to the extent practicable, in approving grant applications under this part—

(1) grants are equitably distributed on a geographic basis within each category set forth in section 5203(a);

(2) the amount of a grant to a local educational agency for a fiscal year is proportionate to the extent and severity of the local school dropout problem;

(3) not less than 30 percent of the amount available for grants in each fiscal year is used for activities relating to school dropout prevention; and

(4) not less than 30 percent of the amount available for grants in each fiscal year is used for activities relating to persuading school dropouts to return to school and assisting former school dropouts with specialized services once school dropouts return to school.

(b) ADMINISTRATIVE COSTS.—Not more than 5 percent of any grant made under this part may be used for administrative costs.

SEC. 5207. REPORTS.

(a) ANNUAL REPORTS.—The Secretary shall submit to the Congress a report by January 1 of each year, beginning on January 1, 1995, which sets forth the progress of the Commissioner of Education Statistics, established under section 14003(b), to implement a definition and data collection process for school dropouts in elementary and secondary schools, including statistical information for the number and percentage of elementary and secondary school students by race and ethnic origin who drop out of school each year including dropouts—

(1) throughout the Nation by rural and urban location as defined by the Secretary; and

(2) in each of the individual States and the District of Columbia.

(b) RECOMMENDATIONS.—The report under subsection (a) shall also contain recommendations on ways in which the Federal Government, States and localities can further support the implementation of an effective methodology to accurately measure dropout and retention rates on the national, State, and local levels.

SEC. 5208. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $50,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this part.

* * * * * * *

TITLE VII—LANGUAGE ENHANCEMENT AND ACQUISITION PROGRAMS

PART A—BILINGUAL EDUCATION PROGRAMS

SEC. 7101. SHORT TITLE.

This Act may be cited as the "Bilingual Education Act".

SEC. 7102. FINDINGS.

The Congress finds that—

(1) there are large and growing numbers of children and youth of limited-English proficiency, many of whom have a cultural heritage that differs from that of their English proficient peers;

(2) limited-English proficient children and youth face a number of challenges in receiving an education that will enable

such children and youth to participate fully in American society, including—

(A) segregated education programs;

(B) disproportionate and improper placement in special education and other special programs due to the use of inappropriate evaluation procedures;

(C) the limited-English proficiency of their own parents, which hinders the parents' ability to fully participate in the education of their children; and

(D) a shortage of teachers and other staff who are professionally trained and qualified to serve such children and youth;

(3) the Federal Government, as exemplified by title VI of the Civil Rights Act of 1964 and section 204(f) of the Equal Education Opportunities Act of 1974, has a special and continuing obligation to ensure that States and local school districts take appropriate action to provide equal educational opportunities to children and youth of limited-English proficiency;

(4) the Federal Government also, as exemplified by the Federal Government's efforts under this title, has a special and continuing obligation to assist States and local school districts in developing the capacity to provide programs of instruction that offer limited-English proficient children and youth an equal educational opportunity;

(5) in carrying out the Federal Government's responsibilities with respect to ensuring equal educational opportunity for children and youth of limited-English proficiency, the Federal Government has learned that—

(A) large numbers of such children and youth have needs that must be met by a program of instruction designed specifically for such children and youth;

(B) a primary purpose of such programs must be developing the English language skills of such children and youth;

(C) the use of a child or youth's native language and culture in classroom instruction can—

(i) promote self-esteem and contribute to academic achievement and learning English by limited-English proficient children and youth;

(ii) benefit English proficient children and youth who also participate in such programs; and

(iii) develop our Nation's national language resources, thus promoting our Nation's competitiveness in the global economy;

(D) parent and community participation in bilingual education programs contributes to program effectiveness; and

(E) research, evaluation, and data-collection capabilities in the field of bilingual education need to be strengthened so that educators and other staff can better identify and promote those programs, program implementation strategies, and instructional practices that result in effective education; and

(6) Native Americans and Native American languages (as such terms are defined in section 103 of the Native American

Languages Act) have a unique status under Federal law that requires special policies within the broad purposes of this Act to serve the education needs of language minority students in the United States.

SEC. 7103. POLICY; AUTHORIZATION OF APPROPRIATIONS.

(a) POLICY.—The Congress declares it to be the policy of the United States, in order to ensure equal educational opportunity for all children and youth and to promote educational excellence, to assist State and local educational agencies and consortia of local educational agencies, institutions of higher education and community based organizations to build their capacity to establish, implement, and sustain programs of instruction for children and youth of limited-English proficiency that—

(1) develop the English of such children and youth and, to the extent possible, the native language skills of such children and youth;

(2) educate such children and youth to meet the same rigorous standards for academic performance expected of all children and youth, including meeting challenging State content standards and challenging State student performance standards in academic areas;

(3) develop bilingual skills and multicultural understanding; and

(4) provide similar assistance to Native Americans with certain modifications relative to the unique status of Native American languages under Federal law.

(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this part, there are authorized to be appropriated $215,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

SEC. 7104. DEFINITIONS.

For the purpose of this title:

(1) BILINGUAL EDUCATION PROGRAM.—(A) The term "bilingual education program"—

(i) means a program of instruction designed specifically for children and youth of limited-English proficiency at any grade level, including the preschool, elementary, or secondary school levels, that is intended—

(I) to help such children and youth develop proficiency in English and, to the extent possible, the native language of such children and youth; and

(II) to achieve to high academic standards in all courses of study; and

(ii) may include activities to assist the parents of such children and youth enrolled in bilingual education programs to participate in the education of their children.

(B)(i) A bilingual education program may be conducted in English, the native language, or both languages, except that all bilingual education programs shall develop proficiency in the English language. The native language may be used in the instructional program to facilitate the acquisition of English, to develop overall linguistic competence, and to develop competence in the academic curriculum.

BEST COPY AVAILABLE

(ii) A bilingual education program shall, to the extent possible, incorporate the cultural heritage of the children or youth of limited-English proficiency served by the program, as well as the cultural heritage of other children in American society.

(C) Children and youth proficient in English may participate in a bilingual education program to enable all children and youth participating in a bilingual education program to become proficient in English and a second language.

(2) CHILDREN AND YOUTH.—The term "children and youth" means individuals aged three through 21.

(3) DIRECTOR.—The term "Director" means the Director of the Office of Bilingual Education and Minority Languages Affairs established under section 210 of the Department of Education Organization Act.

(4) JURISDICTION WHERE A NATIVE AMERICAN LANGUAGE HAS OFFICIAL STATUS.—The term "jurisdiction where a Native American language has official status" refers to States, territories, commonwealths, cities, counties, reservations, Alaska Native villages, school districts, and other jurisdictions similar to those described in this paragraph that have legally recognized a Native American language for conducting an aspect of their official business.

(5) LIMITED-ENGLISH PROFICIENCY AND LIMITED-ENGLISH PROFICIENT.—The terms "limited-English proficiency" and "limited-English proficient", when used with reference to an individual, mean an individual—

(A) who—

(i) was not born in the United States or whose native language is a language other than English and comes from an environment where a language other than English is dominant; or

(ii) is a Native American or Alaska Native and comes from an environment where a language other than English has had a significant impact on such individual's level of English language proficiency; or

(iii) is migratory and whose native language is other than English and comes from an environment where a language other than English is dominant; and

(B) who, by reason thereof, has sufficient difficulty speaking, reading, writing, or understanding the English language to deny such individual the opportunity to learn successfully in classrooms where the language of instruction is English or to participate fully in our society.

(6) NATIVE AMERICAN AND NATIVE AMERICAN LANGUAGE.—The terms "Native American" and "Native American language" shall have the same meaning given such terms in section 103 of the Native American Languages Act of 1990.

(7) NATIVE HAWAIIAN OR NATIVE AMERICAN PACIFIC ISLANDER NATIVE LANGUAGE EDUCATIONAL ORGANIZATION.—The term "Native Hawaiian or Native American Pacific Islander native language educational organization" means a nonprofit organization with a majority of its governing board and employees consisting of fluent speakers of the traditional Native American languages used in their educational programs and with at least

five years successful experience in providing educational services in traditional Native American languages.

(8) NATIVE LANGUAGE.—The term "native language", when used with reference to an individual of limited-English proficiency, means the language normally used by such individual, or in the case of a child or youth, the language normally used by the parents of the child or youth.

(9) OTHER PROGRAMS FOR PERSONS OF LIMITED-ENGLISH PROFICIENCY.—The term "other programs for persons of limited-English proficiency" means any programs administered by the Secretary that directly involve bilingual education activities serving persons of limited-English proficiency.

SEC. 7105. NATIVE AMERICAN AND ALASKA NATIVE CHILDREN IN SCHOOL.

(a) ELIGIBLE ENTITIES.—For the purpose of carrying out programs under this part for individuals served by elementary and secondary schools operated predominately for Native American or Alaska Native children and youth, an Indian tribe, a tribally sanctioned educational authority, a Native Hawaiian or Native American Pacific Islander native language education organization, or an elementary or secondary school that is operated or funded by the Bureau of Indian Affairs shall be considered to be a local educational agency as such term is used in this part, subject to the following qualifications:

(1) INDIAN TRIBE.—The term "Indian tribe" means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), that is recognized for the special programs and services provided by the United States to Indians because of their status as Indians.

(2) TRIBALLY SANCTIONED EDUCATIONAL AUTHORITY.—The term "tribally sanctioned educational authority" means—

(A) any department or division of education operating within the administrative structure of the duly constituted governing body of an Indian tribe; and

(B) any nonprofit institution or organization that is—

(i) chartered by the governing body of an Indian tribe to operate any such school or otherwise to oversee the delivery of educational services to members of that tribe; and

(ii) approved by the Secretary for the purpose of this section.

(b) ELIGIBLE ENTITY APPLICATION.—Notwithstanding any other provision of this part, each eligible entity described in subsection (a) shall submit any application for assistance under this part directly to the Secretary along with timely comments on the need for the proposed program.

Subpart 1—Financial Assistance for Bilingual Education

SEC. 7111. FINANCIAL ASSISTANCE FOR BILINGUAL EDUCATION.

(a) PURPOSE.—The purpose of this subpart is to assist local educational agencies, through the grants authorized by subsections (b), (c), and (d), to—

(1) develop and enhance their capacity to provide high-quality instruction to children and youth of limited-English proficiency; and

(2) to help such children and youth—

(A) develop proficiency in English, and to the extent possible, their native language; and

(B) meet the same challenging State content standards and challenging State student performance standards expected for all children and youth as required by section 1111(b).

(b) DEVELOPMENT AND ENHANCEMENT GRANTS.—

(1) IN GENERAL.—The Secretary is authorized to make grants to local educational agencies, or community based organizations in consortia with one or more local educational agencies and an institution of higher education, to—

(A) develop new bilingual education programs;

(B) enhance or expand existing bilingual education programs to meet new conditions, such as the need to serve additional language groups or different age or grade levels; and

(C) meet the short-term needs of local educational agencies without bilingual education programs to serve children and youth of limited-English proficiency.

(2) DURATION.—Grants awarded under this subsection shall be for a period of not more than 2 years, except that grants to carry out paragraph (1)(A) shall be awarded for a period of not more than 3 years.

(c) COMPREHENSIVE SCHOOL GRANTS.—

(1) IN GENERAL.—The Secretary is authorized to make grants to local educational agencies for the purpose of implementing schoolwide bilingual education programs that serve all (or virtually all) children and youth of limited-English proficiency in schools with significant concentrations of such children and youth.

(2) DURATION.—Grants awarded under this subsection shall be for a period of not more than 5 years, except that the Secretary shall terminate grants to local educational agencies if the Secretary determines that—

(A) the program evaluation required by section 7126 indicates that students in the schoolwide program are not being taught to and achieving challenging State content standards and challenging State student performance standards; or

(B) in the case of a program to promote dual language facility, such program is not promoting such facility.

(d) COMPREHENSIVE DISTRICT GRANTS.—

(1) In general.—The Secretary is authorized to make grants to local educational agencies for the purpose of implementing district-wide bilingual education programs that serve a significant number of children and youth of limited-English proficiency in districts with significant concentrations of such children and youth.

(2) Duration.—Grants awarded under this subsection shall be for a period of not more than 5 years, except that the Secretary shall terminate grants to local educational agencies where the Secretary determines that—

(A) the program evaluation required by section 7126 indicates that students in the program are not being taught to and achieving challenging State content standards and challenging State student performance standards; or

(B) in the case of a program to promote dual language facility, such program is not promoting such facility.

(e) Use of Funds.—

(1) In general.—Recipients of grant funds under subsections (b), (c), and (d) may use such funds for—

(A) identification and acquisition of curricular materials, educational software, and technologies to advance the education of children and youth of limited-English proficiency;

(B) parent outreach and training activities designed to assist parents to become active participants in the education of their children;

(C) salaries of personnel, including teacher aides who have been specifically trained, or are being trained, to provide services to children and youth of limited-English proficiency;

(D) tutorials and academic or career counseling for children and youth of limited-English proficiency; and

(E) such other activities, related to the purposes of this part, as the Secretary may approve.

(2) Additional activities.—Recipients of funds under subsections (c) and (d) may—

(A) use such funds for preservice and inservice professional development of staff participating, or preparing to participate, in the program, including staff who will not directly participate in the bilingual instructional program (which in the case of teachers who are participating in the program may include release time with pay), if such activities are directly related to serving children and youth of limited-English proficiency and will help accomplish the purposes of this subpart; and

(B) during the first 12 months of such a grant, engage exclusively in activities preparatory to the delivery of services, which may include program design, the development of materials and procedures, and activities to involve parents in the educational program and to enable parents and family members to assist in the education of children and youth of limited-English proficiency.

(f) Geographic Distribution of Funds.—To the extent possible, the Secretary shall award grants under this section throughout the Nation in a manner that—

(1) reflects the geographic distribution of children and youth of limited-English proficiency throughout the Nation;

(2) takes into account significant increases in limited-English proficient children and youth in areas with low concentrations of such children and youth; and

(3) ensures that activities assisted under this part address the full needs of school systems of all sizes and geographic areas, including rural schools.

(g) CONSTRUCTION.—Nothing in this subpart shall be construed to prohibit a local educational agency from serving limited-English proficient children and youth simultaneously with students with similar educational needs, in the same educational settings where appropriate.

(h) APPLICATIONS.—

(1) IN GENERAL.—Any local educational agency or community based organization that desires a grant under this section shall submit, through its State educational agency, an application to the Secretary, in such form, at such time, and containing such information and assurances as the Secretary may require.

(2) CONTENTS.—Each such application shall—

(A) describe—

(i) the need for the proposed program, including data on the number of the children and youth of limited-English proficiency in the school or district to be served and the characteristics of such children and youth, such as language spoken, dropout rates, proficiency in English and the native language, academic standing in relation to English proficient peers, and, where applicable, the recency of immigration; and

(ii) the program to be implemented and how such program's design—

(I) relates to the linguistic and academic needs of the children and youth of limited-English proficiency to be served; and

(II) is consistent with, and promotes the goals in, the local educational agency's improvement plan under section 1112, particularly as such plan relates to the education of children and youth of limited-English proficiency; and

(B) provide an assurance that the applicant will not reduce the level of State and local funds that the applicant expends for bilingual education programs if the applicant receives an award under this subpart.

(3) ADDITIONAL INFORMATION.—Each application for a grant under subsection (c) or (d) shall—

(A) describe—

(i) current services the applicant provides to children and youth of limited-English proficiency;

(ii) what services children and youth of limited-English proficiency will receive under the grant that such children or youth will not otherwise receive;

(iii) how funds received under this subpart will be integrated with all other Federal, State, local, and pri-

vate resources that may be used to serve children and youth of limited-English proficiency; and

(iv) specific achievement and school retention goals for the children and youth to be served by the proposed program and how progress toward achieving such goals will be measured; and

(B) provide assurances that—

(i) the program funded will be integrated with the overall educational program; and

(ii) the application has been developed in consultation with an advisory council, the majority of whose members are parents and other representatives of the children and youth to be served in such programs.

(i) LIMITATION ON FUNDING.—

(1) DEVELOPMENT AND ENHANCEMENT GRANTS.—Not more than 25 percent of the total amount of funds that the Secretary awards under subsection (b) for any fiscal year shall be used to provide funding to bilingual education programs that do not use the native language.

(2) COMPREHENSIVE SCHOOL GRANTS.—Not more than 25 percent of the total amount of funds that the Secretary awards under subsection (c) for any fiscal year shall be used to provide funding to bilingual education programs that do not use the native language.

(3) SPECIAL RULE.—Notwithstanding paragraphs (1) and (2), the Secretary is authorized to award grants for bilingual education programs that are not conducted in the native language if an applicant has demonstrated that the applicant cannot develop and implement a bilingual education program that is conducted in the native language because—

(A) the diversity of limited-English proficient students' native languages and the small number of students speaking each respective language make instruction in the native language impractical; or

(B) despite documented efforts, the applicant has not been able to hire instructional personnel who are able to communicate in the students' native language.

(j) STATE REVIEW OF APPLICATIONS UNDER PART A.—In order for an eligible applicant to apply for funds under this subpart, such applicant shall submit the application to the State educational agency for review. The State educational agency shall transmit such application to the Secretary along with such agency's timely comments on the need within the State for the proposed program and whether the proposed program is consistent with the State plan under section 1111.

(k) CAPACITY BUILDING.—

(1) IN GENERAL.—Each recipient of a grant under this section shall use the grant funds in ways that will build such recipient's capacity to continue to offer high quality bilingual education programs and services to children and youth of limited-English proficiency once Federal assistance is reduced or eliminated.

(2) SPECIAL RULE.—In making awards under this subpart for any fiscal year, the Secretary shall, consistent with the quality

of applications and the funds available under this part, increase the amount of funds used to support grants under subsections (c) and (d) over the amount used to support grants under subsections (c) and (d) in the previous fiscal year.

(l) CONSORTIA.—A local educational agency that receives a grant under this subpart may collaborate or form a consortium with one or more local education agencies, institutions of higher education, and nonprofit organizations to carry out a program described in an application approved under this subpart.

(m) SUBGRANTS.—A local educational agency or community based organization that receives a grant under this subpart may, with the approval of the Secretary, make a subgrant to, or enter into a contract with, an institution of higher education, a nonprofit organization, or a consortium of such entities to carry out a program described in an application approved under this subpart, including a program to serve out-of-school youth.

(n) PARENTAL NOTIFICATION.—

(1) IN GENERAL.—Parents of a child or youth of limited-English proficiency identified for enrollment in bilingual education programs shall be informed of the—

(A) benefits and nature of the bilingual educational program and of the instructional alternatives; and

(B) reasons for the selection of their child as being in need of bilingual education.

(2) OPTION TO DECLINE.—(A) Parents of a child or youth of limited-English proficiency identified for enrollment in bilingual education programs shall be informed that such parents have the option of declining enrollment of their children in such programs and shall be given an opportunity to do so if such parents so choose.

(B) Nothing in this section shall be construed to relieve a local educational agency, community based organization or consortium receiving assistance under this part of any of their obligations under title VI of the Civil Rights Act of 1964 because parents choose not to enroll their children in bilingual education programs.

(3) INFORMATION.—Parents of a child or youth of limited-English proficiency identified for enrollment in bilingual education programs shall receive, in a manner and form understandable to such parents, including, if necessary and to the extent feasible, in the native language of such parents, the information required by this subsection. At a minimum, such parents shall receive—

(A) timely information about projects funded under this subpart; and

(B) if the parents of participating children so desire, notice of opportunities for regular meetings for the purpose of formulating and responding to recommendations from such parents.

(o) PROGRAMS FOR NATIVE AMERICANS AND PUERTO RICO.—Programs authorized under this title that serve Native American children, and children in the Commonwealth of Puerto Rico, notwithstanding any other provision of this title, may include programs of instruction, teacher training, curriculum development, evaluation,

and testing designed for Native American children and youth learning and studying Native American languages and children and youth of limited-Spanish proficiency, except that one outcome of such programs serving Native American children shall be increased English proficiency among such children.

Subpart 2—Research and Evaluation

SEC. 7121. AUTHORITY.

The Secretary is authorized to conduct data collection, dissemination, research, and evaluation activities for the purpose of improving bilingual education programs for children and youth of limited-English proficiency.

SEC. 7122. RESEARCH.

(a) AWARDS.—The Secretary may award grants and enter into contracts and cooperative agreements for research and evaluation activities related to improving and maintaining high quality bilingual educational programs for persons of limited-English proficiency.

(b) CONSULTATION.—The Secretary shall consult with agencies and organizations that are engaged in bilingual education research and practice, or related research, and bilingual education researchers and practitioners to identify areas of study and activities to be funded under this section.

(c) RESEARCH AND DISSEMINATION.—The Secretary, through the Office of Educational Research and Improvement, if appropriate, shall—

(1) conduct research on effective instruction practices for multilingual classes, and on effective instruction strategies to be used by teachers and other staff who do not know the native language of a limited-English proficient child in their classrooms; and

(2) disseminate the findings of such research.

SEC. 7123. ACADEMIC EXCELLENCE AWARDS.

(a) AWARDS.—The Secretary may award grants to, and enter into contracts and cooperative agreements with, State and local educational agencies, nonprofit organizations, and institutions of higher education to promote the adoption and implementation of bilingual education programs that demonstrate great promise of assisting children and youth of limited-English proficiency to meet challenging State content standards and challenging State student performance standards.

(b) APPLICATIONS.—

(1) IN GENERAL.—Each entity desiring an award under this section shall submit an application to the Secretary in such form, at such time, and containing such information and assurances as the Secretary may require.

(2) PEER REVIEW.—The Secretary shall use a peer review process, using effectiveness criteria that the Secretary shall establish, to review applications under this section.

(c) USE OF FUNDS.—Funds under this section shall be used to enhance the capacity of States and local education agencies to provide

high quality academic programs for children and youth of limited-English proficiency, which may include—

(1) completing the development of such programs;

(2) professional development of staff participating in bilingual education programs;

(3) sharing strategies and materials; and

(4) supporting professional networks.

(d) COORDINATION.—Recipients of funds under this section shall coordinate the activities assisted under this section with activities carried out by comprehensive regional centers assisted under subpart 1 of part C of title II.

SEC. 7124. STATE GRANT PROGRAM.

(a) STATE GRANT PROGRAM.—The Secretary is authorized to make an award to a State educational agency that demonstrates, to the satisfaction of the Secretary, that such agency effectively provides for the education of children and youth of limited-English proficiency within the State.

(b) PAYMENTS.—The amount paid to a State educational agency under subsection (a) shall not exceed 5 percent of the total amount awarded to local educational agencies within the State under subpart 1 for the previous fiscal year, except that in no case shall the amount paid by the Secretary to any State educational agency under this subsection for any fiscal year be less than $100,000.

(c) USE OF FUNDS.—

(1) IN GENERAL.—A State educational agency may use funds for programs authorized by this section to—

(A) assist local educational agencies in the State with program design, capacity building, assessment of student performance, and program evaluation;

(B) operate a bilingual education advisory panel under subsection (d); and

(C) collect data concerning children and youth of limited-English proficiency.

(2) SPECIAL RULE.—Recipients of awards under this section shall not restrict the provision of services under this section to federally funded programs.

(d) STATE BILINGUAL EDUCATION ADVISORY PANEL.—Each State educational agency that receives funds under this section shall appoint a broad-based bilingual education advisory panel, with substantial representation from persons knowledgeable about the education of limited-English proficient students, to develop and recommend to the State educational agency guidelines for reviewing, and providing the Secretary with comments regarding, applications for funds under subparts 1 and 3 that come from within the State.

(e) APPLICATIONS.—A State educational agency desiring to receive an award under this section shall submit an application to the Secretary in such form, at such time, containing such information and assurances as the Secretary may require.

SEC. 7125. NATIONAL CLEARINGHOUSE FOR BILINGUAL EDUCATION.

(a) ESTABLISHMENT.—The Secretary shall establish and support the operation of a National Clearinghouse for Bilingual Education, which shall collect, analyze, synthesize, and disseminate information about bilingual education and related programs.

BEST COPY AVAILABLE

(b) FUNCTIONS.—The National Clearinghouse for Bilingual Education shall—

(1) coordinate its activities with Federal data and information clearinghouses and dissemination networks and systems; and

(2) develop a data base management and monitoring system for improving the operation and effectiveness of programs assisted under this part.

SEC. 7126. EVALUATIONS.

(a) PROGRAM EVALUATIONS UNDER SUBPART 1.—

(1) IN GENERAL.—Each recipient of funds under subpart 1 shall provide the Secretary with an evaluation, in the form prescribed by the Secretary, of the program assisted under such subpart every 2 years.

(2) USE.—Such evaluation shall be used by a recipient of funds under subpart 1—

(A) to improve such program;

(B) to further define such program's goals and objectives; and

(C) to determine program effectiveness.

(3) CONTENTS.—Such evaluation shall include—

(A) student outcome indicators that measure progress toward the challenging State student performance standards set out in the State plan approved or being developed under section 1111, including data comparing children and youth of limited-English proficiency with nonlimited-English proficient children and youth with regard to school retention, academic achievement, and gains in English (and, where applicable, native language) proficiency;

(B) program implementation indicators that provide information for informing and improving program management and effectiveness, including data on appropriateness of curriculum in relationship to grade and course requirements, appropriateness of program management, appropriateness of the professional development of the program staff, and appropriateness of the language of instruction;

(C) program context indicators that describe the relationship of the activities funded under the grant to the overall school program and other Federal, State, or local programs serving children and youth of limited-English proficiency; and

(D) such other information as the Secretary may require.

(b) PROGRAM EVALUATIONS UNDER SUBPART 3.—

(1) IN GENERAL.—Each recipient of funds under subpart 3 shall provide the Secretary with an evaluation of the program assisted under such subpart every 2 years.

(2) DATA.—Such evaluation shall include data on—

(A) post-program placement of persons trained;

(B) how the training relates to the employment of persons served by the program;

(C) program completion; and

(D) such other information as the Secretary may require.

Subpart 3—Professional Development

SEC. 7131. PURPOSE.

The purpose of this subpart is to improve the quality of instruction for children and youth of limited-English proficiency—

(1) through professional development programs designed—

(A) for persons preparing to provide services for children and youth of limited-English proficiency;

(B) to improve the skills of persons providing services to children and youth of limited-English proficiency; and

(C) for other staff in schools serving children and youth of limited-English proficiency; and

(2) by disseminating information on appropriate instructional practices and activities for children and youth of limited-English proficiency to other school personnel, including teachers not serving such children and youth.

SEC. 7132. PROFESSIONAL DEVELOPMENT GRANTS.

(a) Grants to Institutions of Higher Education.—The Secretary is authorized to make grants to institutions of higher education for—

(1) preservice and inservice professional development for individuals who are either involved in, or preparing to be involved in, the provision of educational services for children and youth of limited-English proficiency, which in the case of teachers who are involved in the provision of such services may include release time with pay; and

(2) national professional development institutes that assist schools or departments of education in institutions of higher education to improve the quality of professional development programs for personnel serving, preparing to serve, or who may serve, children and youth of limited-English proficiency.

(b) Grants to State and Local Educational Agencies.—The Secretary may make grants to State and local educational agencies for inservice professional development programs that prepare school personnel to provide effective services to limited-English proficient students.

(c) Use of Funds for Second Language Competence.—Awards under this section may be used to develop a program participant's competence in a second language.

(d) Applications.—

(1) In general.—An institution of higher education, or a State or local educational agency desiring to receive an award under this section shall submit, through its State educational agency, an application to the Secretary, in such form, at such time, and containing such information and assurances as the Secretary may require.

(2) Consultation and assessment.—Each such application shall contain a description of how the applicant has consulted with, and assessed the needs of, public and private schools serving children and youth of limited-English proficiency to determine such school's need for, and the design of, the program for which funds are sought.

(3) SPECIAL RULE.—(A) An application for a grant under subsection (a) from an applicant who proposes to conduct a masters or doctoral-level program with funds received under this section shall provide an assurance that such program will include, as a part of the program, a training practicum in a local school program serving children and youth of limited-English proficiency.

(B) A recipient of a grant under subsection (a) may waive the requirement of a training practicum for a degree candidate with significant experience in a local school program serving children and youth of limited-English proficiency.

(4) REVIEW.—In order for an institution of higher education or a local educational agency to apply for funds under this section, the State educational agency serving such institution shall review the application and provide the Secretary with timely comments on the need within the State for the proposed program and whether the proposed program is consistent with the State plan under section 1111 and section 2125(b)(1).

SEC. 7133. FELLOWSHIPS.

(a) ACADEMIC FELLOWSHIPS.—The Secretary may award fellowships for masters, doctoral, and post-doctoral study related to instruction of children and youth of limited-English proficiency in such areas as teacher training, program administration, research and evaluation, and curriculum development, and for the support of dissertation research related to such study.

(b) REPAYMENT.—

(1) IN GENERAL.—Any person receiving a fellowship under this section shall agree to—

(A) work in an activity related to the area for which the assistance was awarded or in an activity such as those authorized under this part for a period of time equivalent to the period of time during which such person receives assistance under this section; or

(B) repay such assistance.

(2) TERMS AND CONDITIONS.—The Secretary shall establish in regulations such terms and conditions for such agreement as the Secretary deems reasonable and necessary and may waive the requirement of paragraph (1) in extraordinary circumstances.

SEC. 7134. STIPENDS.

The Secretary shall provide for the payment of such stipends (including allowances for subsistence and other expenses for such persons and their dependents), as the Secretary determines to be appropriate, to persons participating in training programs under this subpart.

PART B—FOREIGN LANGUAGE ASSISTANCE PROGRAM

SEC. 7201. SHORT TITLE.

This part may be cited as the "Foreign Language Assistance Act of 1994".

SEC. 7202. FINDINGS.

The Congress finds as follows:

(1) Foreign language proficiency is crucial to our Nation's economic competitiveness and national security. Significant improvement in the quantity and quality of foreign language instruction offered in our Nation's elementary and secondary schools is necessary.

(2) All Americans need a global perspective. To understand the world around us, we must acquaint ourselves with the languages, cultures, and history of other nations.

(3) Proficiency in two or more languages should be promoted for all American students. Multilingualism enhances cognitive and social growth, competitiveness in the global marketplace, national security, and understanding of diverse people and cultures.

(4) The United States lags behind other developed countries in offering foreign language study to elementary and secondary school students.

(5) Four out of five new jobs in the United States are created from foreign trade.

(6) The optimum time to begin learning a second language is in elementary school, when children have the ability to learn and excel in several foreign language acquisition skills, including pronunciation, and when children are most open to appreciating and valuing a culture other than their own.

(7) Foreign language study can increase children's capacity for critical and creative thinking skills and children who study a second language show greater cognitive development in areas such as mental flexibility, creativity, tolerance, and higher order thinking skills.

(8) Children who have studied a foreign language in elementary school achieve expected gains and score higher on standardized tests of reading, language arts, and mathematics than children who have not studied a foreign language.

SEC. 7203. PROGRAM AUTHORIZED.

(a) PROGRAM AUTHORITY.—

(1) IN GENERAL.—The Secretary shall make grants, on a competitive basis, to State educational agencies or local educational agencies to pay the Federal share of the cost of innovative model programs providing for the establishment, improvement or expansion of foreign language study for elementary and secondary school students.

(2) DURATION.—Each grant under paragraph (1) shall be awarded for a period of 3 years.

(b) REQUIREMENTS.—

(1) GRANTS TO STATE EDUCATIONAL AGENCIES.—In awarding a grant under subsection (a) to a State educational agency, the Secretary shall support programs that promote systemic approaches to improving foreign language learning in the State.

(2) GRANTS TO LOCAL EDUCATIONAL AGENCIES.—In awarding a grant under subsection (a) to a local educational agency, the Secretary shall support programs that—

(A) show the promise of being continued beyond the grant period;

(B) demonstrate approaches that can be disseminated and duplicated in other local educational agencies; and

(C) may include a professional development component.

(c) FEDERAL SHARE.—

(1) IN GENERAL.—The Federal share for each fiscal year shall be 50 percent.

(2) WAIVER.—The Secretary may waive the requirement of paragraph (1) for any local educational agency which the Secretary determines does not have adequate resources to pay the non-Federal share of the cost of the activities assisted under this part.

(3) SPECIAL RULE.—Not less than three-fourths of the funds appropriated under section 7206 shall be used for the expansion of foreign language learning in the elementary grades.

(4) RESERVATION.—The Secretary may reserve not more than 5 percent of funds appropriated under section 7206 to evaluate the efficacy of programs under this part.

SEC. 7204. APPLICATIONS.

(a) IN GENERAL.—Any State educational agency or local educational agency desiring a grant under this part shall submit an application to the Secretary at such time, in such form, and containing such information and assurances as the Secretary may require.

(b) SPECIAL CONSIDERATION.—The Secretary shall give special consideration to applications describing programs that—

(1) include intensive summer foreign language programs for professional development;

(2) link non-native English speakers in the community with the schools in order to promote two-way language learning; or

(3) promote the sequential study of a foreign language for students, beginning in elementary schools.

SEC. 7205. ELEMENTARY SCHOOL FOREIGN LANGUAGE INCENTIVE PROGRAM.

(a) INCENTIVE PAYMENTS.—The Secretary shall make an incentive payment for each fiscal year to each public elementary school that provides to students attending such school a program designed to lead to communicative competency in a foreign language.

(b) AMOUNT.—The Secretary shall determine the amount of the incentive payment under subsection (a) for each public elementary school for each fiscal year on the basis of the number of students participating in a program described in such subsection at such school for such year compared to the total number of such students at all such schools in the United States for such year.

(c) REQUIREMENT.—The Secretary shall consider a program to be designed to lead to communicative competency in a foreign language if such program is comparable to a program that provides at least 45 minutes of instruction in a foreign language at least 4 days per week throughout an academic year.

SEC. 7206. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $35,000,000 for the fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this part, of which not more than $20,000,000 may be used in each fiscal year to carry out section 7205.

PART C—ADMINISTRATION

SEC. 7301. COORDINATION WITH RELATED PROGRAMS.

In order to maximize the effectiveness of Federal efforts aimed at serving the educational needs of children and youth of limited-English proficiency, the Secretary shall coordinate and ensure close cooperation with other programs administered by the Department, including programs in such areas as teacher training, program content, research, and curriculum.

SEC. 7302. REPORT ON BILINGUAL EDUCATION.

The Secretary shall, within three years of the date of enactment of the Improving America's Schools Act of 1994, and every third year thereafter, submit to the Congress a report on the condition of bilingual education. The report shall include—

(1) information regarding—

(A) the grants, contracts, and cooperative agreements made pursuant to this title in the preceding 3 fiscal years;

(B) the number of individuals benefiting from the programs assisted under this title;

(C) the evaluation of activities carried out under this title during the preceding 3 fiscal years and the extent to which each such activity achieves the policy set forth in section 7103(a);

(D) an estimate of the number of teachers and other school personnel for bilingual education that will be necessary for the 3 succeeding fiscal years; and

(E) the research activities carried out under this title during the preceding 3 fiscal years and the major findings of such research activities; and

(2) an analysis and synthesis of such information.

SEC. 7303. STATE EDUCATIONAL AGENCY RECOMMENDATIONS; PEER REVIEW.

(a) STATE EDUCATIONAL AGENCY RECOMMENDATIONS.—In making awards under part A, the Secretary shall take State educational agency recommendations into account.

(b) PEER REVIEW.—

(1) IN GENERAL.—In making awards under part A and in making funding decisions for continuation grants under such parts, the Secretary may solicit recommendations from peer review panels composed of individuals experienced in aspects of the education of limited-English proficient students.

(2) FUNDING.—The Secretary may use not more than 0.2 percent of the total amount of funds appropriated for each fiscal year for programs authorized under this title for peer review of applications for assistance under such programs.

PART D—SPECIAL RULE

SEC. 7401. SPECIAL RULE.

Notwithstanding any other provision of law, no recipient of a grant under title VII of this Act (as such title was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994) shall be eligible for fourth- and fifth-year re-

newals authorized by section 7021(d)(1)(C) of such title (as such section was in effect on the day preceding the date of enactment of such Act).

GENERAL EDUCATION PROVISIONS ACT

SHORT TITLE; APPLICABILITY; DEFINITIONS; APPROPRIATIONS

[SEC. 400. (a) This title may be cited as the "General Education Provisions Act."

[(b) Except where otherwise specified, the provisions of this title shall apply to any program for which an administrative head of an education agency has administrative responsibility as provided by law or by delegation of authority pursuant to law.

[(c)(1) For the purposes of this title, the term—

[(A) "applicable program" means any program to which this title is, under the terms of subsection (b), applicable;

[(B) "applicable statute" means—

[(i) the Act or the title, part or section of an Act, as the case may be, which authorizes the appropriation for an applicable program;

[(ii) this title; and

[(iii) any other statute which under its terms expressly controls the administration of an applicable program;

[(C) "Assistant Secretary" means the Assistant Secretary of Health, Education, and Welfare for Education;

[(D) "Commissioner" means the Commissioner of Education;

[(E) "Director" means the Director of the National Institute of Education; and

[(F) "Secretary" means the Secretary of Health, Education, and Welfare.

[(2) Nothing in this title shall be construed to affect the applicability of the Civil Rights Act of 1964 to any program subject to the provisions of this title.

[(3) No Act making appropriations to carry out an applicable program shall be considered an applicable statute.

[(d) Except as otherwise limited in this title, there are authorized to be appropriated for any fiscal year such sums as may be necessary to carry out the provisions of this title.

[(e)(1) The aggregate of the appropriations to the agencies in the Education Division and to the Office of Assistant Secretary for any fiscal year shall not exceed the limitations set forth for that fiscal year in subparagraph (2).

[(2)(A) Except as is provided in subparagraph (B), the appropriations to which paragraph (1) applies—

[(i) shall not exceed $7,500,000,000 for the fiscal year ending June 30, 1975, $8,000,000,000 for the fiscal year ending June 30, 1976, and $9,000,000,000 for the fiscal year ending June 30, 1977; and

[(ii) shall not exceed such amounts as may be authorized by the law and limited by this subparagraph.

[(B) The limitations set forth in subparagraph (A) shall not apply—

[(i) to uncontrollable expenditures under obligations created under part B of title IV of the Higher Education Act of 1965, parts C and D of title VII of such Act, and the Emergency Insured Student Loan Act of 1969; and

[(ii) to any other expenditure under an obligation determined by the Commissioner pursuant to, or in accordance with, law to be an uncontrollable expenditure of the Office of Education.]

SHORT TITLE; APPLICABILITY; DEFINITIONS

SEC. 400. (a) This title may be cited as the "General Education Provisions Act".

(b)(1) Except as otherwise provided, this title applies to each applicable program of the Department of Education.

(2) Except as otherwise provided, this title does not apply to any contract made by the Department of Education.

(c) As used in this title, the following terms have the following meanings:

(1) The term "applicable program" means any program for which the Secretary or the Department has administrative responsibility as provided by law or by delegation of authority pursuant to law. The term includes each program for which the Secretary or the Department has administrative responsibility under the Department of Education Organization Act or under Federal law effective after the effective date of that Act.

(2) The term "applicable statute" means—

(A) the Act or the title, part, section, or any other subdivision of an Act, as the case may be, that authorizes the appropriation for an applicable program;

(B) this title; and

(C) any other statute that by its terms expressly controls the administration of an applicable program.

(3) The term "Department" means the Department of Education.

(4) The term "Secretary" means the Secretary of Education.

(d) Nothing in this title shall be construed to affect the applicability of title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, title V of the Rehabilitation Act of 1973, the Age Discrimination Act, or other statutes prohibiting discrimination, to any applicable program.

* * * * * * *

[CONTROL OF PAPERWORK

[SEC. 400A. (a)(1)(A) In order to eliminate excessive detail and unnecessary and redundant information requests and to achieve the collection of information in the most efficient and effective possible manner, the Secretary shall coordinate the collection of information and data acquisitioned activities of all Federal agencies, (i) whenever the respondents are primarily educational agencies or institutions, or (ii) whenever the purpose of such activities is to request information needed for the management of, or the formulation of, policy related to Federal education programs or research or evaluation studies related to the implementation of Federal education programs.

[(B) There is hereby established a Federal Education Data Acquisition Council, to consist of members appointed by the Secretary who shall represent the public and the major agencies which collect and use education data, including one representative each of the Office of Management and Budget and of the Office of Federal Statistical Policy and Standards. The members representing the public may be appointed for not more than three years. The Council shall advise and assist the Secretary with respect to the improvement, development, and coordination of Federal education information and data acquisition activities, and shall review the policies, practices, and procedures established by the Secretary. The Council shall meet regularly during the year and shall be headed by an individual from an agency which has expertise in data collection but which undertakes no major data collection of education data.

[(2) For the purposes of this section, the term—

[(A) "information" has the meaning given it by section 3502 of title 44, United States Code;

[(B) "Federal agency" has the meaning given it by section 3502 of the same title; and

[(C) "educational agency or institution" means any public or private agency or institution offering education programs.

[(3)(A) The Secretary shall review and coordinate all collection of information and data acquisition activities described in paragraph (1)(A) of this subsection, in accordance with procedures approved by the Federal Education Data Acquisition Council. Such procedures shall be designed in order to enable the Secretary to determine whether proposed collection of information and data acquisition activities are excessive in detail, unnecessary, redundant, ineffective, or excessively costly, and, if so, to advise the heads of the relevant Federal agencies.

[(B) No collection of information or data acquisition activity subject to such procedures shall be subject to any other review, coordination, or approval procedure outside of the relevant Federal agency, except as required by this subsection and by the Director of the Office of Management and Budget under the rules and regulations established pursuant to chapter 35 of title 44, United States Code. If a requirement for information is submitted pursuant to this Act for review, the timetable for the Director's approval established in section 3507 of the Paperwork Reduction Act of 1980 shall commence on the date the request is submitted, and no independent submission to the Director shall be required under such Act.

[(C) The procedures established by the Secretary shall include a review of plans for evaluations and for research when such plans are in their preliminary stages, in order to give advice to the heads of Federal agencies regarding the data acquisition aspects of such plans.

[(b)(1) The Secretary shall assist each Federal agency in performing the review and coordination required by this section and shall require of each agency a plan for each collection of information and data acquisition activity, which shall include—

[(A) a detailed justification of how information once collected will be used;

[(B) the methods of analysis which will be applied to such data;

[(C) the timetable for the dissemination of the collected data; and

[(D) an estimate of the costs and man-hours required by each educational agency or institution to complete the request and an estimate of costs to Federal agencies to collect, process, and analyze the information, based upon previous experience with similar data or upon a sample of respondents.

[(2) In performing the review and coordination required by this section, the Secretary shall assure that—

[(A) no information or data will be requested of any educational agency or institution unless that request has been approved and publicly announced by the February 15 immediately preceding the beginning of the new school year, unless there is an urgent need for this information or a very unusual circumstance exists regarding it;

[(B) sampling techniques, instead of universal responses, will be used wherever possible, with special consideration being given to the burden being placed upon small school districts, colleges, and other educational agencies and institutions; and

[(C) no request for information or data will be approved if such information or data exist in the same or a similar form in the automated indexing system required to be developed pursuant to subsection (d).

[(3) Each educational agency or institution subject to a request under the collection of information and data acquisition activity and their representative organizations shall have an opportunity, during a thirty-day period, to comment to the Secretary on the collection of information and data acquisition activity. The exact data instruments for each proposed activity shall be available to the public upon request during this comment period.

[(4) No changes may be made in the plans for the acquisition of that information or data, except changes required as a result of the review described in this section, after such plans have been finally approved under this section, unless the changed plans go through the same approval process.

[(5) The Secretary may waive the requirements of this section for individual research and evaluation studies which are not designated for individual project monitoring or review, provided that—

[(A) the study shall be of a nonrecurring nature;

[(B) any educational agency or institution may choose whether or not to participate, and that any such decision shall not be used by any Federal agency for purposes of individual project monitoring or funding decisions;

[(C) the man-hours necessary for educational agencies and institutions to respond to requests for information or data shall not be excessive, and the requests shall not be excessive in detail, unnecessary, redundant, ineffective, or excessively costly; and

[(D) the Federal agency requesting information or data has announced the plans for the study in the Federal Register.

The Secretary shall inform the relevant agency or institution concerning the waiver decision within thirty days following such an announcement, or the study shall be deemed waived and may proceed. Any study waived under the provisions of this subsection shall be subject to no other review than that of the agency requesting information or data from educational agencies or institutions.

[(6) Nothing in this section shall be construed to interfere with the enforcement of the provisions of the Civil Rights Act of 1964 or any other nondiscrimination provision of Federal law.

[(c) The Secretary shall, insofar as practicable, and in accordance with the provisions of this Act, provide educational agencies and institutions and other Federal agencies, pursuant to the requirement of section 406(f)(2)(A), with summaries of information collected and the data acquired by Federal agencies, unless such data were acquired on a confidential basis.

[(d) The Secretary shall, insofar as practicable—

[(1) develop standard definitions and terms consistent, wherever possible, with those established by the Office of Federal Statistical Policy and Standards, Department of Commerce, to be used by all Federal agencies in dealing with education-related information and data acquisition requests;

[(2) develop an automated indexing system for cataloging all available data;

[(3) establish uniform reporting dates among Federal agencies for the information and data acquisition required after review under this section;

[(4) publish annually a listing of education data requests, by Federal agency, and for the programs administered in the Education Division, publish a listing annually of each such program with its appropriation and with the data burden resulting from each such program; and

[(5) require the Federal agency proposing the collection of information or data acquisition activity to identify in its data instrument the legislative authority specifically requiring such collection, if any, and require the responding educational agency or institution to make the same identification if it in turn collects such information or data from other agencies or individuals.

[(e)(1) Subject to the provisions of paragraph (2), the Secretary shall develop, in consultation with Federal and State agencies and local educational agencies, procedures whereby educational agencies and institutions are permitted to submit information required under any Federal educational program to a single Federal or State educational agency.

[(2) Any procedures developed under paragraph (1) shall be considered regulations for the purpose of section 431 and shall be submitted subject to disapproval in accordance with section 431(e) of this Act for a period of not to exceed 60 days computed in accordance with such section.

[(3) The Secretary shall submit a report to the Congress not less than once every three years, describing the implementation of this section. Such report shall contain recommendations for revisions to Federal laws which the Secretary finds are imposing undue burdens on educational agencies and institutions, and such recommendations shall not be subject to any review by any Federal agency outside the Department.

[(f)(1) The Secretary is authorized to make grants from sums appropriated pursuant to this subsection to State educational agencies, including State agencies responsible for postsecondary education, for the development or improvement of education management information systems.

[(2) Any State educational agency is eligible for a grant of funds under this subsection subject to the following conditions:

[(A) The agency agrees to use such funds for the development or improvement of its management information system and agrees to coordinate all data collection for Federal programs administered by the agency through such a system.

[(B) The agency agrees to provide funds to local educational agencies and institutions of higher education for the development or improvement of management information systems when such grants are deemed necessary by the State educational agency.

[(C) The State agency agrees to take specific steps, in cooperation with the Secretary and with local educational agencies or institutions of higher education in the State, as appropriate, to eliminate excessive detail and unnecessary and redundant information requests within the State and to achieve the collection of information in the most efficient and effective possible manner so as to avoid imposing undue burdens on local educational agencies or institutions of higher education.

[(g) For the purpose of carrying out this subsection—

[(1) there are authorized to be appropriated for salaries and expenses $600,000 for fiscal year 1979, $1,000,000 for fiscal year 1980, and $1,200,000 for each of the two succeeding fiscal years;

[(2) there are authorized to be appropriated for grants under subsections (f) (1) and (2) the sums of $5,000,000 for fiscal year 1979, $25,000,000 for fiscal year 1980, and $50,000,000 for each of the two succeeding fiscal years; and

[(3) the sums appropriated according to paragraphs (1) and (2) shall be appropriated as separate line items.

* * * * * * *

[PART A—EDUCATION DIVISION OF THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE]

PART A—FUNCTIONS OF THE DEPARTMENT OF EDUCATION

[THE EDUCATION DIVISION

[SEC. 401. (a) There shall be, within the Department of Health, Education, and Welfare, an Education Division, composed of the agencies listed in subsection (b), which shall be headed by the Assistant Secretary.

[(b)(1) The Education Division shall be composed of the following agencies:

[(A) The Office of Education; and

[(B) The National Institute of Education.

[(2) In the Office of the Assistant Secretary there shall be a National Center for Education Statistics.

[ASSISTANT SECRETARY FOR EDUCATION

[SEC. 402. (a) There shall be in the Department of Health, Education, and Welfare an Assistant Secretary for Education, who shall be appointed by the President by and with the advice and consent of the Senate. The Assistant Secretary for Education shall be compensated at the rate specified for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

[(b) The Assistant Secretary shall be the principal officer in the Department to whom the Secretary shall assign responsibility for the direction and supervision of the Education Division.

[THE OFFICE OF EDUCATION

[SEC. 403. (a) There shall be an Office of Education (hereinafter in this section referred to as the "Office") which shall be the primary agency of the Federal Government responsible for the administration of programs of financial assistance to educational agencies, institutions, and organizations. The Office shall have such responsibilities and authorities as may be vested in the Commissioner by law or delegated to the Commissioner in accordance with law.

[(b) The Office shall be headed by the Commissioner of Education who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be subject to the direction and supervision of the Secretary.

[(c)(1) The Office shall, consistent with such organization thereof which is provided by law, be divided into bureaus, and such bureaus shall be divided into divisions as the Commissioner determines appropriate.

[(2)(A) There shall be regional offices of the Office established in such places as the Commissioner, after consultation with the Assistant Secretary, shall determine. Such regional offices shall carry out such functions as are specified in subparagraph (B).

[(B) The regional offices shall serve as centers for the dissemination of information about the activities of the agencies in the Education Division and provide technical assistance to State and local educational agencies, institutions of higher education, and other educational agencies, institutions, and organizations and to individuals and other groups having an interest in Federal education activities.

[(C) The Commissioner shall not delegate to any employee in any regional office any function which was not carried out, in accordance with regulations effective prior to June 1, 1973, by employees in such offices unless the delegation of such function to employees in regional offices is expressly authorized by law enacted after the enactment of the Education Amendments of 1974.

[(d)(1) There shall be, in the Office of Education, an Office of Non-Public Education to insure the maximum potential participation of nonpublic school students in all Federal educational programs for which such children are eligible.

[(2) The Office shall be headed by the Deputy Commissioner for Non-Public Education, who shall be appointed by the Commissioner.]

* * * * * * *

[NATIONAL CENTER FOR EDUCATION STATISTICS

[SEC. 406. (a)(1) There is established, within the Office of Educational Research and Improvement, a National Center for Education Statistics (hereafter in this section referred to as the "Center"). The general design and duties of the National Center for Education Statistics shall be to acquire and diffuse among the people of the United States useful statistical information on subjects connected with education (in the most general and comprehensive sense of the word) particularly the retention of students, the assessment of their progress, the financing of institutions of education, financial aid to students, the supply of and demand for teachers and other school personnel, libraries, comparisons of the education of the United States and foreign nations and the means of promoting material, social, and intellectual prosperity through education.

[(2)(A) The Center shall be headed by a Commissioner of Education Statistics who shall be appointed by the President, by and with the advice and consent of the Senate. The Commissioner of the National Center for Education Statistics shall have substantial experience and knowledge of programs encompassed by the National Center. The Commissioner shall be paid in accordance with section 5315 of title 5, United States Code. The Commissioner shall serve for terms of 4 years, except that the initial appointment shall comment June 21, 1991.

[(B) There shall be within the Center (i) an Associate Commissioner for Statistical Standards and Methodology who shall be qualified in the field of mathematical statistics or statistical methodology; and (ii) an Associate Commissioner for Data Collection and Dissemination, who shall be an individual who has extensive knowledge of uses of statistics for policy purposes at all levels of American education, and who shall promote the participation of States, localities, and institutions of higher education in designing education statistics programs, encourage widespread dissemination and use of the Center's data, and promote United States participation in international and regional education statistics. The Commissioner may appoint such other Associate Commissioners as may be necessary and appropriate.

[(b) The purpose of the Center shall be to collect and analyze and disseminate statistics and other data related to education in the United States and in other nations. The Center shall—

[(1) if feasible, on a State-by-State basis, collect, collate, and, from time to time, report full and complete statistics on the conditions of education in the United States;

[(2) conduct and publish reports on specialized analyses of the meaning and significance of such statistics;

[(3) assist State and local educational agencies, including State agencies responsible for postsecondary education, in improving and automating their statistical and data collection activities (and shall establish a special program to train employees of such State and local agencies in the use of the Center's standard statistical procedures and concepts and may establish a fellows program to temporarily appoint such employees as fellows at the Center for the purpose of familiarization with the operations of the Center);

[(4) review and report on educational activities in foreign countries;

[(5) conduct a continuing survey of institutions of higher education and local educational agencies to determine the demand for, and the availability of, qualified teachers and administrative personnel, especially in critical areas within education which are developing or are likely to develop, and assess the extent to which programs administered in the Department of Education are helping to meet the needs identified as a result of such continuing survey; and

[(6) access periodically the current and projected supply and demand for elementary and secondary school teachers (including teachers at the pre-school level) and early childhood education development personnel with particular attention to—

[(A) long-term and short-term needs for personnel in various subject areas or teaching specialities;

[(B) shortages in particular types of schools or communities, and in States or regions;

[(C) the number of minorities entering teaching;

[(D) the proportions of women and minorities in educational administration, and the trends over time;

[(E) the demographic characteristics, academic qualifications, job preparation, experience and skills of existing teachers and new entrants in the field of education;

[(F) the effect of the introduction of State mandated teacher competency tests on the demographic and educational characteristics of teachers and the supply of teachers; and

[(G) the rate at which teachers leave teaching, their reasons for leaving, the sources of supply for new entrants, and the trends over time.

[(c)(1) There shall be an Advisory Council on Education Statistics which shall be composed of 7 public members appointed by the Secretary and such ex officio members as are listed in subparagraph (2). Not more than 4 of the appointed members of the Council may be members of the same political party.

[(2) The ex officio members of the Council shall be—

[(A) the Assistant Secretary,

[(B) the Director of the Census,

[(C) the Commissioner of Labor Statistics,

[(D) Commissioner of Education Statistics, and

[(E) Chairman, National Commission on Libraries and Information Science.

[(3) Appointed members of the Council shall serve for terms of 3 years, as determined by the Secretary, except that in the case of initially appointed members of the Council, they shall serve for shorter terms to the extent necessary that the terms of office of not more than 3 members expire in the same calendar year.

[(4) The Commissioner of Education Statistics shall serve as the non-voting presiding officer of the Council.

[(5)(A) The Council shall meet at the call of the presiding officer, except that it shall meet—

[(i) at least four times during each calendar year; and

[(ii) in addition, whenever three voting members requests in writing that the presiding officer call a meeting.

[(B) Six members of the Council shall constitute a quorum of the Council.

[(6) The provisions of section 448(b) of part D of this title shall not apply to the Council established under this subsection.

[(7) The Council shall review general policies for the operation of the Center and shall be responsible for advising on standards to insure that statistics and analyses disseminated by the Center are of high quality and are not subject to political influence.

[(8) The Commissioner may appoint such other ad hoc advisory committees as the Commissioner considers necessary.

[(d)(1) The Commissioner shall, not later than later June 1 of each year, submit to the Congress an annual report which—

[(A) contains a description of the activities of the Center during the then current fiscal year and a projection of its activities during the succeeding fiscal year;

[(B) sets forth estimates of the cost of the projected activities for such succeeding fiscal year; and

[(C) includes a statistical report on the condition of education in the United States during the two preceding fiscal years and a projection, for the three succeeding fiscal years, of estimated statistics related to education in the United States.

[(2) The Secretary shall submit annually a report to the Congress giving information of the State of Education in the Nation. In such report the Secretary shall clearly set forth the Secretary's views of critical needs in education and the most effective manner in which the nation and the Federal Government may address such needs.

[(3) The Center shall develop and enforce standards designed to protect the confidentiality of persons in the collection, reporting, and publication of data under this section. This subparagraph shall not be construed to protect the confidentiality of information about institutions, organizations, and agencies receiving grants from or having contracts with the Federal Government.

[(4)(A) Except as provided in this section, no person may—

[(i) use any individually identifiable information furnished under the provisions of this section for any purpose other than statistical purposes for which it is supplied;

[(ii) make any publication whereby the data furnished by any particular person under this section can be identified; or

[(iii) permit anyone other than the individuals authorized by the Commissioner to examine the individual reports; or

[(B) No department, bureau, agency, officer, or employee of the Government, except the Commissioner of Education Statistics in carrying out the purposes of this section, shall require,for any reason, copies of reports which have been filed under this section with the Center for Education Statistics or retained by any individual respondent. Copies of such reports which have been so retained or filed with Center or any of its employees or contractors or agents shall be immune from legal process, and shall not, without the consent of the individual concerned, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding. This subsection shall only apply to individually identifiable data (as defined in subparagraph (E)).

[(C) Whoever, being or having been an employee or staff member appointed under the authority of the Commissioner or in accordance with this section of the Act, having taken and subscribed the oath of office, or having sworn to observe the limitations imposed by subsection (a), knowingly publishes or communicates any individually identifiable information (as defined in subparagraph (E)), the disclosure of which is prohibited under the provisions of subparagraph (A), and which comes into his or her possession by reason of employment (or otherwise providing services) under the provisions of this section, shall be fined under title 18, United States Code, or imprisoned not more than 5 years, or both.

[(D) The Commissioner may utilize temporary staff, including employees of Federal, State, or local agencies or instrumentalities including local education agencies, and employees of private organizations to assist the Center in performing the work authorized by this section, but only if such temporary staff is sworn to observe the limitations imposed by this section.

[(E) No collection of information or data acquisition activity undertaken by the Center shall be subject to any review, coordination or approval procedure except as required by the Director of the Office of Management and Budget under the rules and regulations established pursuant to chapter 35 of title 44, United States Code.

[(F) For the purposes of this section—

[(i) the term "individually identifiable information" means any record, response form, completed survey or aggregation thereof from which information about individual students, teachers, administrators or other individual persons may be revealed;

[(ii) the term "report" means a response provided by or about an individual to an inquiry from the Center and does not include a statistical aggregation from which individually identifiable information cannot be revealed; and

[(iii) as used in clause (i), the term "persons" does not include States, local educational agencies, or schools.

[(G)(i) This paragraph shall not apply to—

[(I) the survey required by section 1303(c) of the Higher Education Amendments of 1986; or

[(II) to any longitudinal study concerning access, choice, persistence progress, or attainment in postsecondary education.

[(ii) Any person, except those sworn to observe the limitation of this subsection, who uses any data as described in clause (i) provided by the Center, in conjunction with any other information or technique (including de-encryption), to identify any individual student, teacher, administrator, or other person and who discloses, publishes, or uses for a purpose other than that for which is was collected, or who otherwise violates clause (i) or (ii) of subparagraph (A), shall be fined under title 18, United States Code, or imprisoned not more than 5 years, or both.

[(iii) No employee or staff member of the Center or of an institution of higher education may be found criminally liable under subparagraph (C0, based on a violation of subparagraph (A) or clause (i), if such employee or staff member has taken reasonable precautions, consistent with the purpose of this section, to ensure the confidentiality of data made available to the public.

[(H) Nothing in this paragraph shall restrict the right of the Comptroller General of the United States and the Librarian of Congress to gain access to any reports or other records, including information identifying individuals, in the Center's possession; except that the same restrictions on disclosure that apply to the Center under subparagraph (B) and (G) shall apply to the General Accounting Office and the Library of Congress.

[(e)(1) The Center is authorized to furnish transcripts or copies of tables and other statistical records and make special statistical compilations and surveys for State and local officials, public and private organizations, and individuals. The Center shall provide State and local educational agencies opportunities to suggest the development of particular compilations of statistics, surveys, and analyses that would assist those educational agencies. The Center shall furnish such special statistical compilations and surveys as the Committees on Labor and Human Resources and on Appropriations of the Senate and the Committees on Education and Labor and on Appropriations of the House of Representatives may request. Such statistical compilations and surveys, other than those carried out pursuant to the preceding sentence, shall be made subject to the payment of the actual or estimated cost of such work. In the case of nonprofit organizations or agencies, the Secretary may engage in joint statistical projects, the cost of which shall be shared equitably as determined by the Secretary: *Provided,* That the purposes of such projects are otherwise authorized by law. All funds received in payment for work or services described in this paragraph shall be deposited in a separate account which may be used to pay directly the costs of such work or services, to repay appropriations which initially bore all or part of such costs, or to refund excess sums when necessary.

[(2)(A) The Center shall participate with other Federal agencies having a need for educational data in forming a consortium for the purpose of providing direct joint access with such agencies to all educational data received by the Center through automated data processing. The Library of Congress, General Accounting Office, and the Committees on Labor and Human Resources and Appropriations of the Senate and the Committees on Education and Labor and Appropriations of the House of Representatives shall, for the purpose of this subparagraph, be considered Federal agencies.

[(B) The Center shall, in accordance with regulations published for the purpose of this paragraph, provide all interested parties, including public and private agencies and individuals, direct access to data collected by the Center for purposes of research and acquiring statistical information.

[(3) In carrying out any authorized responsibilities under this section, the Commissioner may enter into contracts under regular competitive procedures of the Federal Government or other financial arrangements. Contracts or financial arrangements may also include sole source contracts with States, additional institutions, organizations performing international studies, and associations that are nationally representative of a wide variety of States or nonpublic schools. The Commissioner shall submit annually a report to the appropriate committees of the Congress, listing each sole source contract, its purpose, and the reasons why competitive bidding was not feasible in each such instance.

[(4) The Commissioner is authorized to prepare and publish such information and documents as may be of value in carrying out the purposes of this section. Periodically, the Commissioner shall issue a regular schedule of publications.

[(5) In addition to the condition of education report under subsection (d), the Commissioner is authorized to make special reports on particular subjects whenever required to do so by the President or either House of Congress or when considered appropriate by the Commissioner.

[(6) The Commissioner is authorized to use information collected by other offices in the Department of Education and by other executive agencies and to enter into interagency agreements for the collection of statistics for the purposes of this section. The Commissioner is authorized to arrange with any agency, organization, or institution for the collection of statistics for the purposes of this section and may assign employees of the Center to any such agency, organization, or institution to assist in such collection.

[(7) The Commissioner is authorized to use the statistical method known as sampling to carry out this section. Data may be collected from States, local educational agencies, schools, libraries, administrators, teachers, students, the general public, and such other individuals, persons, organizations, agencies, and institutions as the Commissioner may consider appropriate.

[(8) To assure the technical quality and the coordination of statistical activities of the Department, the Commissioner shall provide technical assistance to Department offices that gather data for statistical purposes. Such assistance may include a review of and advice on data collection plans, survey designs and pretests, the management of data, and the quality of reporting of data.

[(9) The Commissioner is authorized to—

[(A) select, appoint, and employ such officers and employees as may be necessary to carry out the functions of the Center, subject to the provisions of title 5, United States Code (governing appointments in the competitive service), and the provisions of chapter 51 and subchapter III of chapter 53 of such title (relating to classification and General Schedule pay rates); and

[(B) notwithstanding any other provision of this Act, to obtain services as authorized by section 3109 of title 5, United States Code, at a rate not to exceed the equivalent daily rate payable for grade GS–18 of the General Schedule under section 5332 of such title.

[(f)(1) There are authorized to be appropriated for the purposes of this section (including salaries and expenses) $42,323,000 for fiscal year 1989, and such sums as may be necessary for each of the fiscal years 1990, 1991, 1992, and 1993.

[(2) The Commissioner may contract with States to carry out subsection (h). Such contracts may not exceed the additional cost to the State—

[(A) of meeting the information and data gathering requirements in compliance with such subsection; or

[(B) for compliance with related efforts of the National Center for Education Statistics to achieve comparable and uniform data consistent with the purposes of this subsection.

[(g)(1) In addition to its other responsibilities, the Center shall collect uniform data from the States on the financing of elementary and secondary education. Each State receiving funds under the Education Consolidation and Improvement Act of 1981 shall cooperate with the Center in this effort.

[(2) In addition to other duties of the Commissioner under this section, it shall be the responsibility of the Commissioner to issue regular public reports to the President and Congress on dropout and retention rates, results of education, supply and demand of teachers and school personnel, libraries, financial aid and on such other education indicators as the Commissioner determines to be appropriate.

[(3) The Commissioner shall establish a special study panel to make recommendations concerning the determination of education indicators for study and report under paragraph (2). Not more than 18 months after the date of the enactment of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, the Commissioner shall submit the report of the panel to the appropriate committees of the Congress. The panel shall cease to exist 6 months after the date of such submission.

[(4)(A) The Center shall conduct an annual national survey of dropout and retention rates as an education indicator.

[(B) The Commissioner shall appoint a special task to develop and test an effective methodology to accurately measure dropout and retention rates. Not later than 1 year after the date of enactment of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, the task force shall submit a report of its recommendations, including procedures for implementation of such recommendations, to the Commissioner and the appropriate committees of the Congress.

[(C) On the second Tuesday after Labor Day of 1989 and on each such Tuesday thereafter, the Center shall submit a report to the appropriate committees of the Congress of the dropout and retention rate prevailing on March 30 of each such year.

[(5)(A) As of March 30, 1990, and not less than every 3 years thereafter, the Center shall conduct a national study and survey of financial aid in accordance with the provisions of section 1303(c) of the Higher Education Amendments of 1986. The Center shall submit a report to the appropriate committees of the Congress concerning the findings of such study.

[(B) Concurrent with each survey, the Center shall conduct longitudinal studies of freshman and graduating students concerning access, choice, persistence progress, curriculum and attainment. Such studies shall evaluate such students at 3 points over a 6-year interval.

[(6) On April 1, 1993, and every 10 years thereafter, the Center shall submit a report to the appropriate committees of the Congress concerning the social and economic status of children who reside in the areas served by different local educational agencies.

Such report shall be based on data collected during the most recent decennial census.

[(7) The Center shall conduct a study of a statistically relevant sample of students enrolled in elementary and secondary school and postsecondary education training concerning educational progress, intellectual development, and economic prosperity. The study shall collect data on participation in higher education, including enrollment, persistence, and attainment. Such study shall evaluate such students by such criteria at 2-year intervals. As of February 1, 1989, and every 8 years thereafter, the Commissioner shall select a sample of students enrolled in school for this study.

[(8) The Center with the assistance of State library agencies, shall develop and support a cooperative system of annual data collection for public libraries. Participation shall be voluntary; however, all States should be encouraged to join the system. Attention should be given to insuring timely, consistent and accurate reporting.

[(9) The National Center for Education Statistics shall conduct a study on the effects of higher standards prompted by school reform efforts on student enrollment and persistence. The study shall examine academic achievement, and graduation rates of low-income, handicapped, limited English proficient, and educationally disadvantaged students.

[(h)(1) There is established within the Center a National Cooperative Education Statistics System (hereafter referred to in this subsection as the "System"). The purpose of the System is to produce and maintain, with the cooperation of the States, comparable and uniform educational information and data that are useful for policymaking at the Federal, State, and local level.

[(2) Each State that desires to participate in the system shall—

[(A) first develop with the Center the information and data-gathering requirements that are needed to report on the condition and progress of elementary and secondary education in the United States, such as information and data on—

[(i) schools and school districts;

[(ii) students and enrollments, including special populations;

[(iii) the availability and use of school libraries and their resources;

[(iv) teachers, librarians, and school administrators;

[(v) the financing of elementary and secondary education;

[(vi) student outcomes, including scores on standardized tests and other measures of educational achievement; and

[(vii) the progress of education reform in the States and the Nation; and

[(B) then enter into an agreement with the Center for that fiscal year to comply with those information and data-gathering requirements.

[(3) To establish and maintain the system, the Commissioner—

[(A) shall—

[(i) provide technical assistance to the States regarding the collection, maintenance, and use of the System's data, including the timely dissemination of such data; and [(ii) to the extent possible, implement standard definitions and data collection procedures; and

[(B) may—

[(i) directly, or through grants, cooperative agreements, or contracts, conduct research, development, demonstration, and evaluation activities that are related to the purposes of the System; and

[(ii) prescribe appropriate guidelines to ensure that the statistical activities of the States participating in the System produce data that are uniform, timely, and appropriately accessible.

[(i)(1) With the advice of the National Assessment Governing Board established by paragraph (5)(a)(i), the Commissioner shall carry out, by grants, contracts, or cooperative agreements with qualified organizations, or consortia thereof, a National Assessment of Educational Progress. The National Assessment of Educational Progress shall be placed in the National Center for Education Statistics and shall report directly to the Commissioner for Educational Statistics. The purpose of the National Assessment is the assessment of the performance of children and adults in the basic skills of reading, mathematics, science, writing, history/geography, and other areas selected by the Board.

[(2)(A) The National Assessment shall provide a fair and accurate presentation of educational achievement in skills, abilities, and knowledge in reading, writing, mathematics, science, history/geography, and other areas specified by the Board, and shall use sampling techniques that produce data that are representative on a national and regional basis and on a State basis pursuant to subparagraphs (C)(i) and (C)(ii). In addition, the National Assessment shall—

[(i) collect and report data on a periodic basis, at least once every 2 years for reading and mathematics; at least once every 4 years for writing and science; and at least once every 6 years for history/geography and other subject areas selected by the Board;

[(ii) collect and report data every 2 years on students at ages 9, 13, and 17 and in grades 4, 8, and 12;

[(iii) report achievement data on a basis that ensures valid reliable trend reporting;

[(iv) include information on special groups.

[(B) In carrying out the provisions of subparagraph (A), the Secretary and the Board appointed under paragraph (5) shall assure that at least 1 of the subject matters in each of the 4 and 6 year cycles described in subparagraph (A)(i) will be included in each 2 year cycle Assessment.

[(C)(i) The National Assessment shall develop a trial mathematics assessment survey instrument for the eighth grade and shall conduct a demonstration of the instrument in 1990 in States which wish to participate, with the purpose of determining whether such an assessment yields valid, reliable State representative data.

[(ii) The National Assessment shall conduct a trial mathematics assessment for the fourth and eighth grades in 1992 and, pursuant to subparagraph (6)(D), shall develop a trial reading assessment to be administered in 1992 for the fourth grade in States which wish to participate, with the purpose of determining whether such an assessment yields valid, reliable State representative data.

[(iii) The National Assessment shall ensure that a representative sample of students participate in such assessments.

[(iv) No State may agree to participate in the demonstration described in this subsection without full knowledge of the process for consensus decisionmaking on objectives to be tested, required in paragraph (6)(E), and of assessment demonstration standards for sampling, test administration, test security, data collection, validation and reporting. States wishing to participate shall sign an agreement developed by the Commissioner. A participating State shall review and give permission for release of results from any test of its students administered as a part of this demonstration prior to the release of such data. Refusal by a State to release its data shall not restrict the reporting of data from other States that have approved the release of such data.

[(v) The Commissioner shall provide for an independent evaluation conducted by a nationally recognized organization (such as the National Academy of Sciences or the National Academy of Education) of the pilot programs to assess the feasibility and validity of assessments and the fairness and accuracy of the data they produce. The report shall also describe the technical problems encountered and a description about what was learned about how to best report data from the National Assessment of Educational Progress. The results of this report will be provided to the Congress and to States which participated in assessments pursuant to paragraph (C) (i) and (ii) within 18 months of the time such assessments were conducted.

[(D)(i) The National Assessment shall have the authority to develop and conduct, upon the direction of the Board and subject to the availability of appropriations, assessments of adult literacy.

[(3)(A) The National Assessment shall not collect any data that are not directly related to the appraisal of educational performance, achievements, and traditional demographic reporting variables, or to the fair and accurate presentation of such information.

[(B) The National Assessment shall provide technical assistance to States, localities, and other parties that desire to participate in the assessment to yield additional information described in paragraph (2).

[(4)(A) Except as provided in subparagraph (B), the public shall have access to all data, questions, and test instruments of the National Assessment.

[(B)(i) The Commissioner shall ensure that all personally identifiable information about students, their educational performance, and their families and that information with respect to individual schools remain confidential, in accordance with section 552a of title 5, United States Code.

[(ii) Notwithstanding any other provision of the law, the Secretary may decline to make available to the public for a period not to exceed 10 years following their initial use cognitive questions that the Secretary intends to reuse in the future.

[(C) The use of National Assessment test items and test data employed in the pilot program authorized in subsection (2)(C) to rank, compare, or otherwise evaluate individual students, schools, or school districts is prohibited.

[(5)(A)(i) There is established the National Assessment Governing Board (hereafter in this section referred to as the "Board").

[(ii) The Board shall formulate the policy guidelines for the National Assessment.

[(B) The Board shall be appointed by the Secretary in accordance with this subparagraph and subparagraphs (C), (D), and (E). The Board shall be composed of—

[(i) two Governors, or former Governors, who shall not be members of the same political party;

[(ii) two State legislators, who shall not be members of the same political party;

[(iii) two chief State school officers;

[(iv) one superintendent of a local educational agency;

[(v) one member of a State board of education;

[(vi) one member of a local board of education;

[(vii) three classroom teachers representing the grade levels at which the National Assessment is conducted;

[(viii) one representative of business or industry;

[(ix) two curriculum specialists;

[(x) two testing and measurement experts;

[(xi) one nonpublic school administrator or policymaker;

[(xii) two school principals, one elementary and one secondary;

[(xiii) three additional members who are representatives of the general public, including parents.

The Assistant Secretary for Educational Research and Improvement shall serve as an ex officio member of the Board as a nonvoting member.

[(C)(i) The Secretary and the Board shall ensure at all times that the membership of the Board reflects regional, racial, gender and cultural balance and diversity and that it exercises its independent judgment, free from inappropriate influences and special interests.

[(ii) In the exercise of its functions, powers, and duties, the Board shall hire its own staff and shall be independent of the Secretary and the other offices and officers of the Department of Education.

[(iii) The Secretary may appoint, at the direction of the Board, for terms not to exceed 3 years, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, not more than 6 technical employees to administer this subsection who may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

[(D)(i) The members of the Assessment Policy Committee, serving on the date of enactment of the National Assessment of Educational Progress Improvement Act, shall become members of the Board for the remainder of the terms of the appointment to the Assessment Policy Committee.

[(ii) To complete the initial membership of the Board, the Secretary shall appoint members of the Board as necessary in the categories described in subparagraph (B) for which there are no members continuing from the Assessment Policy Committee on the date of enactment of the National Assessment of Educational Progress Improvement Act. The Secretary shall appoint such members from among nominees furnished by the Governors, chief State school officers, education associations and organizations, the National Academy of Sciences, the National Academy of Education, parent organizations, and learned societies.

[(iii) As vacancies occur, new members of the Board shall be appointed by the Secretary from among individuals who are nominated by the Board after consultation with representatives of the groups listed in subparagraph (B). For each vacancy the Board shall nominate at least 3 individuals who, by reason of experience or training, are qualified in that particular Board vacancy.

[(E) Members of the Board appointed in accordance with this paragraph shall serve for terms not to exceed 4 years which shall be staggered, as determined by the Secretary, subject to the provisions of subparagraph (D)(i). Any appointed member of the Board who changes status under subparagraph (B) during the term of the appointment of the member may continue to serve as a member until the expiration of that term.

[(6)(A) In carrying out its functions under this subsection, the Board shall be responsible for—

[(i) selecting subject areas to be assessed (consistent with paragraph (2)(A));

[(ii) identifying appropriate achievement goals for each age and grade in each subject area to be tested under the National Assessment;

[(iii) developing assessment objectives;

[(iv) developing test specifications;

[(v) developing the methodology of the assessment;

[(vi) developing guidelines and standards for analysis plans and for reporting and disseminating results;

[(vii) developing standards and procedures for interstate, regional and national comparisons; and

[(viii) taking appropriate actions needed to improve the form and use of the National Assessment.

[(B) The Board may delegate any functions described in subparagraph (A) to its staff.

[(C) The Board shall have final authority on the appropriateness of cognitive items.

[(D) The Board shall take steps to ensure that all items selected for use in the National Assessment are free from racial, cultural, gender, or regional bias.

[(E) Each learning area assessment shall have goal statements devised through a national consensus approach, providing for active participation of teachers, curriculum specialists, local school administrators, parents and concerned members of the general public.

[(F) The Secretary shall report to the Board at regular intervals of the Department's action to implement the decisions of the Board.

[(G) Any activity of the Board or of the organization described in paragraph (1), shall be subject to the provisions of this subsection.

[(7)(A) Not to exceed 10 percent of the funds available for this subsection may be used for administrative expenses (including staff, consultants and contracts authorized by the Board) and to carry out the functions described in paragraph (6)(A).

[(B) For the purposes of its administrative functions, the Board shall have the authorities authorized by the Federal Advisory Committee Act and shall be subject to the open meeting provisions of that law.

[(8)(A) Participation in the National and Regional Assessments by State and local educational agencies shall be voluntary.

[(B) Participation in assessments made on a State basis shall be voluntary. The Secretary shall enter into an agreement with any State which desires to carry out an assessment for the State under this subsection. Each such agreement shall contain provisions designed to assure—

[(i) that the State will participate in the assessment;

[(ii) that the State will pay from non—Federal sources the non-Federal share of participation; and

[(iii) that the State agrees with the terms and conditions specified in subsection (a)(2)(C)(iv).

[(C)(i) For each fiscal year, the non-Federal share for the purpose of clause (ii) of subparagraph (B) shall be the cost of conducting the assessment in the State including the cost of administrating the assessment at the school level for all schools in the State sample and the cost of coordination within the State.

[(ii) The non-Federal share of payments under this paragraph may be in cash or in kind.

[(9)(A) The Commissioner shall provide for continuing reviews of the National Assessment, including validation studies by the National Center for Education Statistics and solicitation of public comment on the conduct and usefulness of the National Assessment. The Secretary shall report to the Congress, the President, and the Nation on the findings and recommendations of such reviews. The Commissioner shall consider the findings and recommendations in designing the competition to select the organization through which the Office carries out the National Assessment.

[(B) The Commissioner shall, not later than 6 months after the date of enactment of the National Assessment of Educational Progress Improvement Act, publish a report setting forth plans for the collection of data for the 1990 assessment and plans for including other subject areas in the 1992 and later assessments. The report shall include methods by which the results of the National Assessment of Educational Progress may be reported so that the results are more readily available and more easily understood by educators, policymakers, and the general public, and methods by which items will be reviewed to identify and exclude items which reflect racial, cultural, gender, or regional bias. The report shall be developed after consultation with educators, State education officials, members of the Board appointed under paragraph (5), and the general public.

[(C) The report required by this paragraph shall be submitted to the Congress and made available to the public. The appropriate authorizing committees of the Congress may request the Secretary to modify the plan contained in the report. The Secretary shall take such actions as may be appropriate to carry out the recommendations contained in the report.

[(j) For purposes of this section, the terms " United States" and "State" include the District of Columbia and Puerto Rico.]

* * * * * * *

[RESPONSIBILITY OF STATES TO FURNISH INFORMATION

[SEC. 406A. (a) The Commissioner shall require that each State submit to him, within ninety days after the end of any fiscal year, a report on the uses of Federal funds in that State under any applicable program for which the State is responsible for administration. Such report shall—

[(1) list all grants and contracts made under such program to the local educational agencies and other public and private agencies and institutions within such State during such year;

[(2) include the total amount of funds available to the State under each such program for such fiscal year and specify from which appropriation Act or Acts these funds were available; and

[(3) be made readily available by the State to local educational agencies and other public and private agencies and institutions within the State, and to the public.

[(b) On or before March 31 of each year, the Commissioner shall submit to the Committee on Labor and Human Resources of the Senate and to the Committee on Education and Labor of the House of Representatives an analysis of these reports and a compilation of statistical data derived therefrom.]

* * * * * * *

[AUTHORIZATION OF APPROPRIATIONS FOR SCIENCE EDUCATION PROGRAMS

[SEC. 406B. There is authorized to be appropriated to the Secretary of Education for fiscal year 1981—

[(1) $2,500,000 for the purpose of carrying out the Pre-College Science Teacher Training program, and

[(2) $5,000,000 for the purpose of carrying out the Minority Institutions Science Improvement program transferred to the Secretary from the National Science Foundation by section 304 of the Department of Education Organization Act.]

* * * * * * *

[AUTHORIZATION OF APPROPRIATIONS FOR SCIENCE IMPROVEMENT PROGRAM

[SEC. 406C. There are authorized to be appropriated $5,000 for each of the fiscal years 1985 and 1986 for the purpose of carrying out the Minority Institutions Science Improvement Program transferred to the Secretary of Education from the National Science Foundation by section 304 of the Department of Education Organization Act.]

* * * * * * *

[RULES FOR EDUCATION OFFICERS OF THE UNITED STATES

[SEC. 407. (a) For the purposes of this section, the term "education officer of the United States" means any person appointed by the President pursuant to this part, except members of commissions, councils, and boards.

[(b) Each education officer of the United States shall serve at the pleasure of the President.

[(c) No education officer of the United States shall engage in any other business, vocation, or employment while serving in the position to which he is appointed; nor may he, except with the express approval of the President in writing, hold any office in, or act in any capacity for, or have any financial interest in, any organization, agency, or institution to which an agency in the Education Division makes a grant or with which any such agency makes a contract or any other financial arrangement.

[(d) No person shall hold, or act for, more than one position as an education officer of the United States for more than a 30 day period.]

* * * * * * *

[GENERAL AUTHORITY OF ADMINISTRATIVE HEADS OF EDUCATION AGENCIES

[SEC. 408. (a) Each administrative head of an education agency, in order to carry out functions otherwise vested in him by law or by delegation of the authority pursuant to law, is, subject to limitations as may be otherwise imposed by law, authorized—

[(1) to make, promulgate, issue, rescind, and amend rules and regulations governing the manner of operation of, and governing the applicable programs administered by the agency of which he is head;

[(2) in accordance with those provisions of title 5, United States Code, relating to the appointment and compensation of personnel and subject to such limitations as are imposed in this part, to appoint and compensate such personnel as may be necessary to enable such agency to carry out its functions:

[(3) to accept unconditional gifts or donations of services, money, or property (real, personal, or mixed; tangible or intangible);

[(4) without regard for section 3648 of the Revised Statutes of the United States (31 U.S.C. 529), to enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary for the conduct of such agency;

[(5) with funds expressly appropriated for such purpose, to construct such facilities as may be necessary to carry out functions vested in him or in the agency of which he is head, and to acquire and dispose of property; and

[(6) to use the services of other Federal agencies and reimburse such agencies for such services.

[(b) The administrative head of an education agency shall ensure that, in contracting under the authority of this section for the services of independent persons in the competitive review of grant applications, all such persons are qualified, by education and experience, to perform such services. The qualifications of such persons and the terms of such contracts, other than information which identify such person, shall be readily made available to the public.

[(c) Any administrative head of an education agency is, subject to any other limitations on delegations of authority provided by law, authorized to delegate any of his functions under this section to an officer or employee of that agency.

[(d) For the purposes of this title, the term "administrative head of an education agency" means the Commissioner and the Director of the National Institute of Education. To the extent that the Assistant Secretary is directly responsible for the administration of a program and to the extent that the Assistant Secretary is responsible for the supervision of the National Center for Education Statistics, the Assistant Secretary shall, for such purposes, be considered within the meaning of such term.]

GENERAL AUTHORITY OF THE SECRETARY

SEC. 408. The Secretary, in order to carry out functions otherwise vested in the Secretary by law or by delegation of authority pursuant to law, and subject to limitations as may be otherwise imposed by law, is authorized to make, promulgate, issue, rescind, and amend rules and regulations governing the manner of operation of, and governing the applicable programs administered by, the Department.

* * * * * * *

[ADVANCE FUNDING

[SEC. 411. To the end of affording the responsible State, local, and Federal officers concerned adequate notice of available Federal financial assistance for education, appropriations for grants, contracts, or other payments under any applicable program are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation. In order to effect a transition to this method of timing appropriation action, the preceding sentence shall apply notwithstanding that its initial application under such program will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.]

* * * * * * *

[AVAILABILITY OF APPROPRIATIONS ON ACADEMIC OR SCHOOL YEAR BASIS]

AVAILABILITY OF APPROPRIATIONS ON ACADEMIC OR SCHOOL-YEAR BASIS; ADDITIONAL PERIOD FOR OBLIGATION OF FUNDS

SEC. 412. (a) Appropriations for any fiscal year for grants, loans, contracts, or other payments [to educational agencies or institutions] under any applicable program may, in accordance with regulations of the Secretary, be made available for [expenditure] *obligation* by the [agency or institution concerned] *recipient* on the basis of an academic or school year differing from such fiscal year.

[(b) Notwithstanding any other provision of law, unless enacted in specific limitation of the provisions of this subsection, any funds from appropriations to carry out any programs to which this title is applicable during any fiscal year which are not obligated and expended by educational agencies or institutions prior to the beginning of the fiscal year succeeding the fiscal year for which such funds were appropriated shall remain available for obligation and expenditure by such agencies and institutions during such succeeding fiscal year.]

(b)(1)(A) Notwithstanding any other provision of law, unless enacted in express limitation of this subsection, any funds from appropriations to carry out any applicable State formula grant program that are not obligated by a recipient by the end of the fiscal year for which such funds were appropriated shall remain available for obligation by such recipient during the succeeding fiscal year.

(B) As used in this subsection, the term "applicable State formula grant program" means an applicable program the authorizing statute or implementing regulations of which provide a formula for allocating program funds among eligible States.

(2) Any funds under any [applicable program] *applicable State formula grant program* which, pursuant to paragraph (1), are available for obligation [and expenditure] *and expended* in the year succeeding the fiscal year for which they were appropriated shall be obligated and expended in accordance with—

* * * * * * *

(B) any program plan or application submitted by [such educational agencies or institutions] *the recipients of such funds* for such program for such succeeding fiscal year.

[(c) If any funds appropriated to carry out any applicable program are not obligated pursuant to a spending plan submitted in accordance with section 3679(d)(2) of the Revised Statutes and become available for obligation after the institution of a judicial proceeding seeking the release of such funds, then such funds shall be available for obligation and expenditure until the end of the fiscal year which begins after the termination of such judicial proceeding.]

* * * * * * *

[AVAILABILITY OF APPROPRIATIONS

[SEC. 413. Notwithstanding any other provision of law, unless expressly in limitation of the provisions of this title, funds appropriated for any fiscal year to carry out any of the programs to which this title is applicable shall remain available for obligation and expenditure until the end of such fiscal year.]

* * * * * * *

[CONTINGENT EXTENSION OF PROGRAMS

[SEC. 414. (a) Unless the Congress in the regular session which ends prior to the beginning of the terminal fiscal year—

[(1) of the authorization of appropriations for an applicable program; or

[(2) of the duration of an applicable program;

either—

[(A) has passed or has formally rejected legislation which would have the effect of extending the authorization or duration (as the case may be) of that program; or

[(B) by action of either the House of Representatives or the Senate, approves a resolution stating that the provisions of this section shall no longer apply to such program;

such authorization or duration is hereby automatically extended for—

[(i) two additional fiscal years for any applicable program authorized to be included in the Appropriation Act for the fiscal year preceding the fiscal year for which appropriations are available for obligation, or

[(ii) one additional fiscal year for any other applicable program.

The amount appropriated for each additional year shall not exceed the amount which the Congress could, under the terms of the law for which the appropriation is made, have appropriated for such program during such terminal year.

[(b)(1) For the purposes of clause (A) of subsection (a), the Congress shall not have been deemed to have passed legislation unless such legislation becomes law.

[(2) In any case where the Commissioner is required under an applicable statute to carry out certain acts or make certain determinations which are necessary for the continuation of an applicable program, if such acts or determinations are required during the terminal year of such program, such acts and determinations shall be required during any fiscal year in which that part of subsection (a) which follows clause (B) thereof is in operation.]

CONTINGENT EXTENSION OF PROGRAMS

SEC. 414. (a) The authorization of appropriations for, or duration of, an applicable program shall be automatically extended for two additional fiscal years unless the Congress, in the regular session that ends prior to the terminal fiscal year of such authorization or duration has passed legislation that becomes law and extends, or has rejected legislation that would have extended, the authorization or duration of such program.

(b) The amount authorized to be appropriated for the period of automatic extension under subsection (a) of an applicable program shall be the amount authorized to be appropriated for such program for the terminal fiscal year of the applicable program.

(c) If the Secretary is required, in the terminal fiscal year of an applicable program, to carry out certain acts or make certain determinations that are necessary for the continuation of such program, such acts or determinations shall be required to be carried out or made during the period of automatic extension under subsection (a).

* * * * * * *

PAYMENTS

SEC. 415. Payments pursuant to grants or contracts under any applicable program may be made in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, as the [Commissioner] *Secretary* may determine.

* * * * * * *

[PROGRAM PLANNING AND EVALUATION

[SEC. 416. Sums appropriated pursuant to section 400(d) may include for any fiscal year for which appropriations are otherwise authorized under any applicable program not to exceed $25,000,000 which shall be available to the Secretary, in accordance with regulations prescribed by him, for expenses, including grants, contracts, or other payments, for (1) planning for the succeeding year for any such program, and (2) evaluation of such programs.]

* * * * * * *

[ANNUAL EVALUATION REPORTS

[SEC. 417. (a)(1) Not later than December 31 of each year, the Secretary shall transmit to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate an annual evaluation report which evaluates the effectiveness of applicable programs (including compliance with provisions of law requiring the maintenance of non-Federal expenditures for the purposes of such applicable programs) in achieving their legislated purposes together with recommendations relating to such programs for the improvement of such programs which will result in greater effectiveness in achieving such purposes. In the case of any evaluation report evaluating specific programs and projects, such report shall—

[(A) set forth goals and specific objectives in qualitative and quantitative terms for all programs and projects assisted under the applicable program concerned and relate those goals and objectives to the purposes of such program;

[(B) contain information on the progress being made during the previous fiscal year toward the achievement of such goals and objectives;

[(C) describe the cost and benefits of the applicable program being evaluated during the previous fiscal year and identify which sectors of the public receive the benefits of such program and bear the costs of such program;

[(D) contain plans for implementing corrective action and recommendations for new or amended legislation where warranted;

[(E) contain a listing identifying the principal analyses and studies supporting the major conclusions and recommendations in the report; and

[(F) be prepared in concise summary form with necessary detailed data and appendices, including tabulations of available data to indicate the effectiveness of the programs and projects by the sex, race, and age of its beneficiaries.

[(2) Repealed.

[(b) Each evaluation report submitted pursuant to subjection (a) shall contain: (1) a brief description of each contract or grant for evaluation of any program (whether or not such contract or grant was made under section 416) any part of the performance of which

occurred during the preceding year, (2) the name of the firm or individual who is to carry out the evaluation, and (3) the amount to be paid under the contract or grant.]

BIENNIAL EVALUATION REPORT

SEC. 419. Not later than March 31, 1995, and every 2 years thereafter, the Secretary shall transmit to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate an evaluation report on the effectiveness of applicable programs in achieving their legislated intent and purposes during the 2 preceding fiscal years. Such report shall—

(1) contains program profiles that include legislative citations, multiyear funding histories, and legislated purposes;

(2) contain recent information on the progress being made toward the achievement of program objectives, including listings of program performance indicators, data from performance measurement based on the indicators, and information on the costs and benefits of the applicable programs being evaluated;

(3) address significant program activities, such as initiatives for program improvement, regulations, and program monitoring and evaluation;

(4) list the principal analyses and studies supporting the major conclusions in the report;

(5) include available data to indicate the effectiveness of the programs and projects by the race, sex, disability and age of the beneficiaries of such programs and projects; and

(6) include the results of the program evaluations conducted in accordance with section 10107 of the Elementary and Secondary Education of 1965.

* * * * * * *

[EVALUATION BY THE COMPTROLLER GENERAL

[SEC. 419. (a) The Comptroller General of the United States shall review, audit, and evaluate any Federal education program upon request by a committee of the Congress having jurisdiction of the statute authorizing such program or, to the extent personnel are available, upon request by a member of such committee. Upon such request, he shall (1) conduct studies of statutes and regulations governing such program; (2) review the policies and practices of Federal agencies administering such program; (3) review the evaluation procedures adopted by such agencies carrying out such program; and (4) evaluate particular projects or programs. The Comptroller General shall compile such data as are necessary to carry out the preceding functions and shall report to the Congress at such times as he deems appropriate his findings with respect to such program and his recommendations for such modifications in existing laws, regulations, procedures and practices as will in his judgment best serve to carry out effectively and without duplication the policies set forth in education legislation relative to such program.

[(b) In carrying out his responsibilities as provided in subsection (a), the Comptroller General shall give particular attention to the practice of Federal agencies of contracting with private firms, organizations, and individuals for the provision of a wide range of studies and services (such as personal recruitment and training, program evaluation, and program administration) with respect to Federal education programs, and shall report to the heads of the agencies concerned and to the Congress his findings with respect to the necessity for such contracts and their effectiveness in serving the objectives established in education legislation.

[(c) In addition to the sums authorized to be appropriated under section 400(d), there are authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.]

* * * * * * *

PROHIBITION AGAINST USE OF APPROPRIATED FUNDS FOR BUSING

SEC. 420. No funds appropriated for the purpose of carrying out any applicable program may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system, except for funds appropriated pursuant to [title I of the Act of September 30, 1950 (Public Law 874, 81st Congress)] *title IX of the Elementary and Secondary Education Act of 1965*, but not including any portion of such funds as are attributable to children counted under [subparagraph (C) of section 3(d)(2) or section 403(1)(C) of that Act.] *subsections (d) and (g) of section 9004 of such Act or residing on property described in section 9013(10) of such Act.*

PART C—GENERAL REQUIREMENTS AND CONDITIONS CONCERNING THE OPERATION AND ADMINISTRATION OF EDUCATION PROGRAMS; GENERAL AUTHORITY OF THE [COMMISSIONER OF EDUCATION] *SECRETARY*

[APPLICABILITY

[SEC. 421. The provisions of this part (except as otherwise provided) shall apply to any program for which the Commissioner has administrative responsibility, as specified by law or by delegation of authority pursuant to law.]

* * * * * * *

[ADMINISTRATION OF EDUCATION PROGRAMS

[SEC. 421A. (a) The Commissioner is authorized to delegate any of his functions under any applicable program, except the making of regulations and the approval of State plans, to any officer or employee of the Office of Education.

[(b) In administering any applicable program, the Commissioner is authorized to utilize the services and facilities of any agency of the Federal Government and of any other public or nonprofit agency or institution in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement, as may be agreed upon.

[(c)(1)(A) Except in the case of a law which—

[(i) authorizes appropriations for carrying out, or controls the administration of, an applicable program, or

[(ii) is enacted in express limitation of the provisions of this paragraph,

no provision of any law shall be construed to authorize the consolidation of any applicable program with any other program. Where the provisions of law governing the administration of an applicable program permit the packaging or consolidation of applications for grants or contracts to attain simplicity or effectiveness of administration, nothing in this subparagraph shall be deemed to interfere with such packaging or consolidation.

[(B) No provision of any law which authorizes an appropriation for carrying out, or controls the administration of, an applicable program shall be construed to authorize the consolidation of any such program with any other program unless provision for such a consolidation is expressly made thereby.

[(C) For the purposes of this subsection, the term "consolidation" means any agreement, arrangement, or the other procedure which results in—

[(i) the commingling of funds derived from one appropriation with those derived from another appropriation,

[(ii) the transfer of funds derived from an appropriation to the use of an activity not authorized by the law authorizing such appropriation,

[(iii) the use of practices or procedures which have the effect of requiring, or providing for, the approval of an application for funds derived from different appropriations according to any criteria other than those for which provision is made (either expressly or implicitly) in the law which authorizes the appropriation of such funds, or this title, or

[(iv) as a matter of policy the making of a grant or contract involving the use of funds derived from one appropriation dependent upon the receipt of a grant or contract involving the use of funds derived from another appropriation.

[(2)(A) No requirement or condition imposed by a law authorizing appropriations for carrying out any applicable program, or controlling the administration thereof, shall be waived or modified, unless such a waiver or modification is expressly authorized by such law or by a provision of this title or by a law expressly limiting the applicability of this paragraph.

[(B) There shall be no limitation on the use of funds appropriated to carry out any applicable program other than limitations imposed by the law authorizing the appropriation or a law controlling the administration of such program; nor shall any funds appropriated to carry out an applicable program be allotted, apportioned, allocated, or otherwise distributed in any manner or by any method different from that specified in the law authorizing the appropriation.

[(3) No person holding office in the executive branch of the Government shall exercise any authorizing which would authorize or effect any activity prohibited by paragraph (1) or (2).

[(4) The transfer of any responsibility, authority, power, duty, or obligation subject to this title, from the Commissioner to any other officer in the executive branch of the Government, shall not affect the applicability of this title with respect to any applicable program.]

JOINT FUNDING OF PROGRAMS

SEC. 421A. (a)(1) The Secretary is authorized to enter into arrangements with other Federal agencies to jointly carry out projects of common interest, to transfer to such agencies funds appropriated under any applicable program, and to receive and use funds from such agencies, for projects of common interest.

(2) Funds transferred or received pursuant to paragraph (1) shall be used only in accordance with the Federal law authorizing the appropriation of such funds and the Federal law appropriating such funds, and shall be made available only to parties eligible to receive such funds under such law.

(3) If the Secretary enters into an agreement under this subsection for the administration of a project, the agency administering the project shall use such agency's procedures to select recipients of funds under such project and to administer the awards, unless the parties to the agreement specify the use of procedures of another agency that is a party to the agreement.

(4) If the Secretary has entered into an agreement authorized under this subsection and the Secretary and the heads of the other agencies participating in the agreement determine that joint funding is necessary to address a special need consistent with the purposes and authorized activities of each program that provides funding under the joint project, the Secretary and the heads of the other participating agencies may develop a single set of criteria for the jointly funded project and require each applicant for such project to submit a single application for review by the participating agencies.

(b) The Secretary may develop the criteria for, and require the submission of, joint applications under two or more applicable programs under which funds are awarded on a competitive basis, and may jointly review and approve such applications separately from other applications under such programs, when the Secretary determines that such joint awards are necessary to address a special need consistent with the purposes and authorized activities of each such program. Any applicant for such a joint award shall meet the eligibility requirements of each such program.

* * * * * * *

[COLLECTION AND DISSEMINATION OF INFORMATION

[SEC. 422. (a) The Commissioner shall—

[(1) prepare and disseminate to State and local educational agencies and institutions information concerning applicable programs and cooperate with other Federal officials who administer programs affecting education in disseminating information concerning such programs;

[(2) inform the public on federally supported education programs;

[(3) collect data and information on applicable programs for the purpose of obtaining objective measurements of the effectiveness of such programs in achieving their purposes; and

[(4) prepare and publish an annual report (to be referred to as "the Commissioner's annual report") on (A) the condition of education in the Nation, (B) developments in the administration, utilization, and impact of applicable programs, (C) results of investigations and activities by the Office of Education, and (D) such facts and recommendations as will serve the purpose for which the Office of Education is established (as set forth in section 403 of this Act).

[(b) The Commissioner's annual report shall be submitted to the Congress not later than June 30 of each calendar year. The Commissioner's annual report shall be made available to State and local educational agencies and other appropriate agencies and institutions and to the general public.

[(c) The Commissioner is authorized to enter into contracts with public or private agencies, organizations, groups, or individuals to carry out the provisions of this section.]

COLLECTION AND DISSEMINATION OF INFORMATION

SEC. 422. The Secretary shall—

(1) prepare and disseminate to State and local educational agencies and institutions information concerning applicable programs, and cooperate with other Federal officials who administer programs affecting education in disseminating information concerning such programs;

(2) inform the public regarding federally supported education programs; and

(3) collect data and information on applicable programs for the purpose of obtaining objective measurements of the effectiveness of such programs in achieving the intended purposes of such programs.

* * * * * * *

[CATALOG OF FEDERAL EDUCATION ASSISTANCE PROGRAMS

[SEC. 423. The Commissioner shall prepare and make available in such form as he deems appropriate a catalog of all Federal education assistance programs whether or not such programs are administered by him. The catalog shall—

[(1) identify each such program, and include the name of the program, the authorizing statute, the specific Federal administering officials, and a brief description of such program;

[(2) set forth the availability of benefits and eligibility restrictions in each such program;

[(3) set forth the budget requests for each such program, past appropriations, obligations incurred, and pertinent financial information indicating (A) the size of each such program for selected fiscal years, and (B) any funds remaining available;

[(4) set forth the prerequisites, including the cost to the recipient of receiving assistance under each such program, and any duties required of the recipient after receiving benefits;

[(5) identify appropriate officials, in Washington, District of Columbia, as well as in each State and locality (if applicable), to whom application or reference for information for each such program may be made;

[(6) set forth the application procedures;

[(7) contain a detailed index designed to assist the potential beneficiary in identifying all education assistance programs related to a particular need or category of potential beneficiaries;

[(8) contain such other program information and data as the Commissioner deems necessary or desirable in order to assist the potential program beneficiary to understand and take advantage of each Federal education assistance program; and

[(9) be transmitted to Congress with the Commissioner's annual report.]

* * * * * * *

[COMPILATION OF ASSISTED INNOVATIVE PROJECTS

[Sec. 424. The Assistant Secretary shall publish annually a compilation of all innovative projects assisted under programs administered in the Education Division, including title III and part C of title IV of the Elementary and Secondary Education Act of 1965, in any year funds are used to carry out such programs. Such compilation shall be indexed according to subject, descriptive terms, and locations.]

* * * * * * *

REVIEW OF APPLICATIONS

Sec. 425. (a) In the case of any applicable program under which financial assistance is provided to (or through) a State educational agency to be expended in accordance with a State plan approved by the [Commissioner] *Secretary*, [and in the case of the program provided for in title I of the Elementary and Secondary Education Act of 1965,] any applicant or recipient aggrieved by the final action of the State educational agency, and alleging a violation of State or Federal law, rules, regulations, or guidelines governing the applicable program, in (1) disapproving or failing to approve its application or program in whole or part, (2) failing to provide funds in amounts in accord with the requirements of laws and regulations, (3) ordering, in accordance with a final State audit resolution determination, the repayment of misspent or misapplied Federal funds, or (4) terminating further assistance for an approved program, may within thirty days request a hearing. Within thirty days after it receives such a request, the State educational agency shall hold a hearing on the record and shall review such final action. No later than ten days after the hearing, the State educational agency shall issue its written ruling, including reasons therefor. If it determines such final action was contrary to Federal or State law, or the rules, regulations, and guidelines[,] governing such applicable program, it shall rescind such final action.

(b) Any applicant or recipient aggrieved by the failure of a State educational agency to rescind its final action after a review under such subsection (a) may appeal such action to the [Commissioner] *Secretary*. An appeal under this subsection may be taken only if notice of such appeal is filed with the [Commissioner] *Secretary* within twenty days after the applicant or recipient has been notified by the State educational agency of the results of its review under subsection (a). If, on such appeal, the [Commissioner] *Secretary* determines the final action of the State educational agency was contrary to Federal law, or the rules, regulations, and guidelines governing the applicable program, he shall issue an order to the State educational agency prescribing appropriate action to be taken by such agency. On such appeal, findings of fact of the State educational agency, if supported by substantial evidence, shall be final. The [Commissioner] *Secretary* may also issue such interim orders to State educational agencies as he may deem necessary and appropriate pending appeal or review.

* * * * * * *

(d) If any State educational agency fails or refuses to comply with any provision of this section, or with any order of the [Commissioner] *Secretary* under subsection (b), the [Commissioner] *Secretary* shall forthwith terminate all assistance to the State educational agency under the applicable program affected *or issue such other orders as the Secretary may deem appropriate to achieve such compliance.*

* * * * * * *

[TECHNICAL ASSISTANCE

[SEC. 426. (a) For the purpose of carrying out more effectively Federal education programs, the Commissioner is authorized, upon request, to provide advice, counsel, and technical assistance to State educational agencies, institutions of higher education, and, with the approval of the appropriate State educational agency, elementary and secondary schools—

[(1) in determining benefits available to them under Federal law;

[(2) in preparing applications for, and meeting requirements of applicable programs;

[(3) in order to enhance the quality, increase the depth, or broaden the scope of activities under applicable programs; and

[(4) in order to encourage simplification of applications, reports, evaluations, and other administrative procedures.

[(b) The Commissioner shall permit local educational agencies to use organized and systematic approaches in determining cost allocation, collection, measurement, and reporting under any applicable program, if he determines (1) that the use of such approaches will not in any manner lessen the effectiveness and impact of such program in achieving purposes for which it is intended (2) that the agency will use such procedures as will insure adequate evaluation of each of the programs involved, and (3) that such approaches are consistent with criteria prescribed by the Comptroller General of the United States for the purposes of audit. For the purpose of this subsection a cost is allocable to a particular cost objective to the extent of relative benefits received by such objective.

[(c) In awarding contracts and grants for the development of curricula or instructional materials, the Commissioner and the Director of the National Institute of Education shall—

[(1) encourage applicants to assure that such curricula or instructional materials will be developed in a manner conducive to dissemination through continuing consultations with publishers, personnel of State and local educational agencies, teachers, administrators, community representatives, and other individuals experienced in such dissemination;

[(2) permit applicants to include provision for reasonable consultation fees or planning costs; and

[(3) insure that grants to public agencies and nonprofit private organizations and contracts with public agencies and private organizations for publication and dissemination of curricula or instructional materials, or both, are awarded competitively to such agencies and organizations which provide assurances that the curricula and instructional materials will reach the target populations for which they were developed.

[(d) The Commissioner's annual report shall contain a statement of the Commissioner's activities under this section.]

EQUITY FOR STUDENTS, TEACHERS, AND OTHER PROGRAM BENEFICIARIES

SEC. 426. (a) The purpose of this section is to assist Department in implementing its mission to ensure equal access to education and to promote educational excellence throughout the Nation, by ensuring equal opportunities to participate for all eligible students, teachers and other program beneficiaries in any project or activity carried out under an applicable program and promoting the ability of such students, teachers and beneficiaries to meet high standards.

(b) The Secretary shall require each applicant for assistance under an applicable program (other than an individual) to develop and describe in such applicant's application the steps such applicant proposes to take to ensure equitable access to, and equitable participation in, the project or activity to be conducted with such assistance, by addressing the special needs of students, teachers, and other program beneficiaries in order to overcome barriers to equitable participation, including barriers based on gender, race, color, national origin, disability, and age.

(c) The Secretary may establish criteria and provide technical assistance for meeting the requirements of this section.

(d) Nothing in this section shall be construed to alter in any way the rights or responsibilities established under the statutes cited in section 400(d) of this Act.

* * * * * * *

[EQUALIZATION ASSISTANCE

[SEC. 426A. (a) The Commissioner is authorized from the sums appropriated pursuant to subsection (d) to make grants to States to assist in developing and implementing plans to revise their systems of financing elementary and secondary education in order to achieve a greater equalization of resources among school districts. Any State desiring to receive such a grant shall (1) submit an application approved by the State legislature for such funds, (2) provide that State funds will match the Federal funds on a dollar for dollar basis, and (3) show how these efforts build upon the knowledge gained through the plans developed pursuant to section 842 of the Education Amendments of 1974.

[(b) The Commissioner is authorized, from sums appropriated pursuant to subsection (d), (1) to develop and disseminate models and materials useful to the States in planning and implementing revisions of their school financing systems, and (2) to establish temporary national and regional training centers to assist those involved in school finance in providing the level of expertise needed by the States in revising their financing systems.

[(c) The Commissioner shall (1) designate a unit within the Office of Education to serve as a national dissemination center for information on the States' efforts to achieve a greater equalization of resources for elementary and secondary education, and (2) develop an analysis of what has been learned through the use of funds available under section 842 of the Education Amendments of 1974 and disseminate the results of this analysis.

[(d) There are hereby authorized to be appropriated $4,000,000 for each of the fiscal years ending prior to September 30, 1983, for the purposes of this section.]

* * * * * * *

PARENTAL INVOLVEMENT AND DISSEMINATION

SEC. 427. In the case of any applicable program in which the [Commissioner] *Secretary* determines that parental participation at the State or local level would increase the effectiveness of the program in achieving its purposes, he shall promulgate regulations with respect to such program setting forth criteria designed to encourage such participation. If the program for which such determination *is made* provides for payments to local educational agencies, applications for such payments shall—

* * * * * * *

[USE OF FUNDS WITHHELD FOR FAILURE TO COMPLY WITH OTHER PROVISIONS OF FEDERAL LAW

[SEC. 428. At any time that the Commissioner establishes an entitlement, or makes an allotment, or reallotment to any State, under any applicable program, he shall reduce such entitlement, allotment, or reallotment by such amount as he determines it would have been reduced, had the data on which the entitlement, allotment, or reallotment is based excluded all data relating to local educational agencies of the State which on the date of the Commissioner's action are ineligible to receive the Federal financial assistance involved because of a failure to comply with title VI of the Civil Rights Act of 1964. Any appropriated funds which will not be paid to a State as a result of the preceding sentence may be used by the Commissioner for grants to local educational agencies of that State in accordance with section 405 of the Civil Rights Act of 1964.]

USE OF FUNDS WITHHELD

SEC. 428. (a) At any time that the Secretary makes an allotment or reallotment to any State under any applicable program, the Secretary shall reduce such allotment or reallotment by such amount as the Secretary determines such allotment or reallotment would *have been reduced, had the data on which the allotment or reallotment is based excluded all data relating to local educational agencies of the State that, on the date of the Secretary's action, are ineligible to receive the Federal financial assistance involved because of failure to comply with title VI of the Civil Rights Act of 1964, title XI of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, or the Age Discrimination Act of 1975.*

(b) The Secretary may use any funds withheld under subsection (a)—

(1) to increase the allotments or reallotment of local educational agencies within the State that are not described in subsection (a), or the allotments or reallotment of all States, in accordance with the Federal law governing the program; or

(2) for grants to local educational agencies of that State in accordance with section 405 of the Civil Rights Act of 1964, or for any other program administered by the Department that is designed to enhance equity in education or redress discrimination on the basis or race, color, national origin, sex, age or disability.

* * * * * * *

[AUTHORIZATION TO FURNISH INFORMATION

[SEC. 429. The Commissioner is authorized to transfer transcripts or copies of other records of the Office of Education to State and local officials, public and private organizations, and individuals.]

* * * * * * *

APPLICATIONS

SEC. 430. (a) Notwithstanding any other provisions of law, unless expressly in limitation, of the provisions of this section, the [Commissioner] *Secretary* is authorized to provide for the submission of applications for assistance effective [for three fiscal years] *for more than 1 fiscal year* under any applicable program with whatever amendments to such applications being required as the [Commissioner] *Secretary* determines essential.

(b) The [Commissioner] *Secretary* shall insofar as is practicable, establish uniform dates during the year for the submission of applications under all applicable programs and for the approval of such applications.

(c) The [Commissioner] *Secretary* shall, insofar as is practicable, develop and require the use of—

(1) a common application for grants to local educational agencies in applicable programs administered by State educational agencies in which the funds are distributed to such local agencies pursuant to some objective formula, and such application shall be used as the single application for as many of these programs as is practicable;

(2) a common application for grants to local educational agencies in applicable programs administered by State educational agencies in which the funds are distributed to such local agencies on a competitive or discretionary basis, and such

application shall be used as the single application for as many of such programs as is practicable; and

(3) a common application for grants to local educational agencies in applicable programs which are directly administrated by the [Commissioner] *Secretary,* and such application shall be used as the single application for as many of these programs as it practicable.

[REGULATIONS REQUIREMENTS AND ENFORCEMENT

[SEC. 431. (a)(1) For the purpose of this section, the term "regulation" means any rules, regulations, guidelines, interpretations, orders, or requirements of general applicability prescribed by the Commissioner.

[(2) Regulations issued by the Department of Health, Education, and Welfare or the Office of Education, or by any official of such agencies, in connection with, or affecting, the administration of any applicable program shall contain immediately following each substantive provision of such regulations, citations to the particular section or sections of statutory law or other legal authority upon which such provision is based.

[(b)(1) No proposed regulation prescribed for the administration of any applicable program may take effect until thirty days after it is published in the Federal Register.

[(2)(A) During the thirty-day period prior to the date upon which such regulation is to be effective, the Commissioner shall, in accordance with the provisions of section 553, of title 5, United States Code, offer any interested party an opportunity to make comment upon, and take exception to, such standard, rule, regulation, or general requirement and shall reconsider any such standard, rule, regulation, or general requirement upon which comment is made or to which exception is taken.

[(B) If the Commissioner determines that the thirty-day requirement in paragraph (1) will cause undue delay in the implementation of a regulation, thereby causing extreme hardship for the intended beneficiaries of an applicable program, he shall notify the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate. If neither committee disagrees with the determination of the Commissioner within 10 days after such notice, the Commissioner may waive such requirement with respect to such regulation.

[(c) All such regulations shall be uniformly applied and enforced throughout the fifty States.

[(d)(1) Concurrently with the publication in the Federal Register of any final regulation (except expected family contribution schedules and any amendments thereto promulgated pursuant to sections 428(a)(2) (D) and (E) and 482(a) (1) and (2) of the Higher Education Act of 1965) of general applicability as required in subsection (b) of this section, such final regulation shall be transmitted to the Speaker of the House of Representatives and the President of the Senate. Such final regulation shall become effective not less than forty-five days after such transmission unless the Congress shall, by concurrent resolution, find that the final regulation is inconsistent with the Act from which it derives its authority, and disapprove such final regulation, in whole or in part. Failure of the Congress to adopt such a concurrent resolution with respect to any such final regulation prescribed under any such Act, shall not represent, with respect to such final regulation, an approval or finding of consistency with the Act from which it derives its authority for any purpose, nor shall such failure to adopt a concurrent resolution be construed as evidence of an approval or finding of consistency necessary to establish a prima facie case, or an inference or presumption, in any judicial proceeding.

[(2) The forty-five day period specified in paragraph (1) shall be deemed to run without interruption except during periods when either House is in adjournment sine die, in adjournment subject to the call of the Chair, or in adjournment to a day certain for a period of more than four consecutive days. In any such period of adjournment, the forty-five days shall continue to run, but if such period of adjournment is thirty calendar days, or less, the forty-five day period shall not be deemed to have elapsed earlier than ten days after the end of such adjournment. In any period of adjournment which lasts more than thirty days, the forty-five day period shall be deemed to have elapsed after thirty calendar days has elapsed, unless, during those thirty calendar days, either the Committee on Education and Labor of the House of Representatives, or the Committee on Labor and Human Resources of the Senate, or both, shall have directed its chairman, in accordance with said committee's rules, and the rules of that House, to transmit to the appropriate department or agency head a formal statement of objection to the final regulation. Such letter shall suspend the effective date of the final regulation until not less than twenty days after the end of such adjournment, during which the Congress may enact the concurrent resolution provided for in this subsection. In no event shall the final regulation go into effect until the forty-five day period shall have elapsed, as provided for in the subsection, for both Houses of the Congress.[1]

[(e) Whenever a concurrent resolution of disapproval is enacted by the Congress under the provisions of this section, the agency which issued such regulation may thereafter issue a modified regulation to govern the same or substantially identical circumstances, but shall, in publishing such modification in the Federal Register and submitting it to the Speaker of the House of Representatives and the President of the Senate, indicate how the modification differs from the final regulation earlier disapproved, and how the agency believes the modification disposes of the findings by the Congress in the concurrent resolution of disapproval.

[(f) For the purposes of subsections (d) and (e) of this section, activities under sections 404, 405, and 406 of this title, and under title IX of the Education Amendments of 1972 shall be deemed to be applicable programs.

[(g) Not later than sixty days after the enactment of any part of any Act affecting the administration of any applicable program, the Commissioner shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate a schedule in accordance with which the Commissioner has planned to promulgate final regulations implementing such Act or part of such Act. Such schedule shall provide that all such final regulations shall be promulgated within one hundred and eighty days after the submission of such schedule. Except as is provided in the following sentence, all such final regulations shall be promulgated in accordance with such schedule. If the Commissioner finds that, due to circumstances unforeseen at the time of the submission of any such schedule, he cannot comply with a schedule submitted pursuant to this subsection, he shall notify such committees of such findings and submit a new schedule. If both such committees notify the Commissioner of their approval of such new schedule, such final regulations shall be promulgated in accordance with such new schedule.]

REGULATIONS

SEC. 431. (a) For the purpose of this section, the term "regulation" means any generally applicable rule, regulation, guideline, interpretation, or other requirement that—

(1) is prescribed by the Secretary or the Department; and

(2) has legally binding effect in connection with, or affecting, the provision of financial assistance under any applicable program.

(b) Regulations issued by the Secretary or the Department shall contain, immediately following each substantive provision of such regulations, citations to the particular section or sections of statutory law or other legal authority on which such provision is based.

(c) All such regulations shall be uniformly applied and enforced throughout the 50 States.

(d) The Secretary shall promulgate regulations in accordance with chapter 5 of title 5, United States Code, except that the exemption in section 553(a)(2) of such chapter for public property, loans, grants, and benefits shall apply only to regulations—

(1) that govern a grant competition for the first year of a new program; or

(2) where the Secretary determines that the requirements of this subsection will cause extreme hardship to the intended beneficiaries of the program affected by such regulations.

(e)(1) Following the enactment of any Act, or any part of any Act, affecting the administration of any applicable program, the Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate a schedule in accordance with which the Secretary plans to promulgate final regulations that the Secretary determines are necessary to implement such Act or part of such Act. Subject to paragraph (2) of this subsection, such schedule shall provide that all such final regulations shall be promulgated within 480 days after the date of enactment of such Act or part of such Act.

(2) If in developing such schedule the Secretary determines in an exceptional case, for good cause, that a final regulation cannot be promulgated within the period specified in paragraph (1), the Secretary shall include in such schedule the date by which such regulation will be promulgated and the reasons for such determination.

(3) Except as provided in the following sentence, all such final regulations shall be promulgated in accordance with such schedule. If the Secretary, for good cause, later determines that the Secretary cannot comply with such schedule for reasons unforeseen at the time

such schedule was submitted, the Secretary shall notify such committees of the reasons for such finding and submit a new schedule. All such final regulations shall be promulgated in accordance with such new schedule.

(f) Concurrently with the publication of any final regulations, the Secretary shall transmit a copy of such final regulations to the Speaker of the House of Representatives and the President pro tempore of the Senate.

* * * * * * *

LABOR STANDARDS

SEC. 433. [Except for emergency relief under section 7 of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), all laborers] *All laborers* and mechanics employed by contractors or subcontractors on all construction and minor remodeling projects assisted under any applicable program shall be paid wages at rates not less than those prevailing on similar construction and minor remodeling in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a–5). The Secretary of Labor shall have, with respect to the labor standards specified in this section, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

* * * * * * *

SUBPART 3—ADMINISTRATION OF EDUCATION PROGRAMS AND PROJECTS BY STATES AND LOCAL [EDUCATIONAL] AGENCIES

STATE EDUCATIONAL AGENCY MONITORING AND ENFORCEMENT

SEC. 434. (a) In the case of any applicable program in which Federal funds are made available to local agencies in a State through or under the supervision of a State board or agency, the [Commissioner] *Secretary* may require the State to submit a plan for monitoring compliance by local agencies with Federal requirements under such program and for enforcement by the State of such requirements. The [Commissioner] *Secretary* may require such plan to provide—

(1) * * *

* * * * * * *

(3) that the State investigate and resolve all complaints received by the State, or referred to the State by the [Commissioner] *Secretary* relating to the administration of such programs.

* * * * * * *

(c) Any withholding of payments under [paragraph (3)] *subsection (b)(3)* of this subsection shall continue until the State is satisfied that there is no longer a failure to comply substantially with any such requirements.

* * * * * * *

SINGLE STATE APPLICATION

SEC. 435. (a) In the case of any State which applies contracts, or submits a plan[,] for participation in any applicable program in which Federal funds are made available for assistance to local educational agencies through, or under the supervision of, the State educational agency of that State, such State shall submit (subject[, in the case of programs under chapter 1 and chapter 2 of title I of the Elementary and Secondary Education Act of 1965,] to the provisions of [title V of such Act] *part A of title V of the Elementary and Secondary Education Act of 1965 before title V*) to the [Commissioner] *Secretary* a general application containing the assurances set forth in subsection (b). Such application may be submitted jointly for all programs covered by the application, or it may be submitted separately for each such program or for groups of programs. Each application submitted under this section must be approved by each official, agency, board, or other entity within the State which, under State law, is primarily responsible for supervision of the activities conducted under each program covered by the application.

(b) An application submitted under subsection (a) shall set forth assurances, satisfactory to the [Commissioner] *Secretary*—

* * * * * * *

(4) that the State will evaluate the effectiveness of covered programs in meeting their statutory objectives, at such intervals (not less often than once every three years) and in accordance with such procedures as the [Commissioner] *Secretary* may prescribe by regulation, and that the State will cooperate in carrying out any evaluation of each program conducted by or for the Secretary or other Federal official;

* * * * * * *

(6) that the State will make reports to the [Commissioner] *Secretary* (including reports on the results of evaluations required under paragraph (4)) as may reasonably be necessary to enable the [Commissioner] *Secretary* to perform his duties under each program, and that the State will maintain such records, in accordance with the requirements of section 437 of this Act, and afford access to the records as the [Commissioner] *Secretary* may find necessary to carry out his duties;

* * * * * * *

(B) the State will publish each proposed plan, in a manner that will ensure circulation throughout the State, at least sixty days prior to the date on which the plan is submitted to the [Commissioner] *Secretary* or on which the plan becomes effective, whichever occurs earlier, with an opportunity for public comments on such plan to be accepted for at least thirty days;

(C) the State will hold public hearings on the proposed plans if required by the [Commissioner] *Secretary* by regulation; and

* * * * * * *

(c) Each general application submitted under this section shall remain in effect for the duration of any program it covers. The [Commissioner] *Secretary* shall not require the resubmission or amendment of that application unless required by changes in Federal or State law or by other significant changes in the circumstances affecting an assurance in that application.

* * * * * * *

SINGLE LOCAL EDUCATIONAL AGENCY APPLICATION

SEC. 436. (a) Each local educational agency which participates in an applicable program under which Federal funds are made available to such agency through a State agency or board shall submit to such agency or board a general application containing the assurances set forth in subsection (b). That application shall cover the participation by [that local education agency] *that local educational agency* in all such programs.

(b) The general application submitted by a local educational agency under subsection (a) shall set forth assurances—

(1) * * *

* * * * * * *

(2) that the control of funds provided to the local educational agency under each program, and title to property acquired with those funds, will be in a public agency and that a public agency will administer those funds and property;

* * * * * * *

(4) that the local educational agency will make reports to the State agency or board and to the [Commissoner] *Secretary* as may reasonably be necessary to enable the State agency or board and the [Commissoner] *Secretary* to perform their duties and that the local educational agency will maintain such records, including the records required under section 437, and provide access to those records, as the State agency or board or the [Commissoner] *Secretary* deem necessary to perform their duties;

* * * * * * *

(7) that in the case of any project involving construction—

(A) * * *

* * * * * * *

(B) in developing plans for construction, due consideration will be given to excellence of architecture and design and to compliance with standards prescribed by the Secretary under section 504 of the Rehabilitation Act of 1973 in order to ensure that facilities constructed with the use of Federal funds are accessible to and usable by [handicapped individuals] *individuals with disabilities*;

* * * * * * *

RECORDS

SEC. 437. (a) Each recipient of Federal funds under any applicable program through any [grant, subgrant, contract, subcontract, loan, or other arrangement (other than procurement contracts awarded by an administrative head of an educational agency)] *grant, subgrant, cooperative agreement, loan or other arrangement* shall keep records which fully disclose the amount and disposition by the recipient of those funds, the total cost of the activity for which the funds are used, the share of that cost provided from other sources, and such other records as will facilitate an effective *financial or programmatic* audit. The recipient shall maintain such records for five years after the completion of the activity for which the funds are used.

(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access, for the purpose of audit examination, [to any records of a recipient which may be related, or pertinent to, the grants, subgrants, contracts, subcontracts, loans, or other arrangements] *to any records maintained by a recipient that may be related, or pertinent to, grants, subgrants, cooperative agreements, loans, or other arrangements* to which reference is made in subsection (a), or which may relate to the appliance of the recipient with any requirement of an applicable program.

* * * * * * *

PROTECTION OF THE RIGHTS AND PRIVACY OF PARENTS AND STUDENTS

SEC. 438. (a)(1)(A) * * *

* * * * * * *

(ii) records maintained by a law enforcement unit of the educational agency or institution that were created by that law enforcement unit for the purpose of law enforcement[.]*;*

* * * * * * *

(C) authorized representatives of (i) the Controller General of the United States, (ii) the Secretary, [(iii) an administrative head of an education agency (as defined in section 408(c)), or (iv)] *or (iii)* State educational authorities, under the conditions set forth in paragraph (3) of this subsection;

* * * * * * *

(H) parents of a dependent student of such parents, as defined in section 152 of the Internal Revenue Code of [1954] *1986*; and

* * * * * * *

(3) Nothing contained in this section shall preclude authorized representatives of (A) the Comptroller General of the United States, (B) the Secretary, [(C) an administrative head of an education agency or (D)] *or (C)* State educational authorities from having access to student or other records which may be necessary in connection with the audit and evaluation of Federally-supported [education program] *education programs*, or in connection with the enforcement of the Federal legal requirements which relate to such programs: *Provided*, That except when collection of personally identifiable information is specifically authorized by Federal law, any data collected by such officials shall be protected in a manner

which will not permit the personal identification of students and their parents by other than those officials, and such personally identifiable data shall be destroyed when no longer needed for such audit, evaluation, and enforcement of Federal legal requirements.

* * * * * * *

(d) For the purposes of this section, whenever a student has attained eighteen years of age, or is attending an institution of postsecondary education, the permission or consent required of and the rights accorded to the parents of the student shall thereafter only be required of and accorded to the student.

* * * * * * *

(f) The Secretary *in accordance with*, or an administrative head of an education agency, shall take appropriate actions to [enforce provisions of this section] *enforce this section* and to deal with violations of this section, [according to the provisions of] *in accordance with* this Act, except that action to terminate assistance may be taken only if the Secretary finds there has been a failure to [comply with the provisions of this section, and he has determined that compliance cannot be secured by voluntary means.

(g) The Secretary shall establish or designate an office and review board within the Department [of Health, Education, and Welfare] for the purpose of investigating, processing, reviewing, and adjudicating violations of [the provisions of] this section and complaints which may be filed concerning alleged violations of this section. Except for the conduct of hearings, none of the functions of the Secretary under this section shall be carried out in any of the regional offices of such Department.

* * * * * * *

[PART D—ADVISORY COUNCILS

[DEFINITIONS

[SEC. 441. As used in this part, the term—

[(1) "advisory council" means any committee, board, commission, council, or other similar group (A) established or organized pursuant to any applicable statute, or (B) established under the authority of section 442; but such term does not include State advisory councils or commissions established pursuant to any such statute;

[(2) "statutory advisory council" means an advisory council established by, or pursuant to, statute to advise and make recommendations with respect to the administration or improvement of an applicable program or other related matter;

[(3) "nonstatutory advisory council" means an advisory council which is (A) established to advise and make recommendations with respect to the approval of applications for grants or contracts as required by statute;

[(4) "Presidential advisory council" means a statutory advisory council, the members of which are appointed by the President;

[(5) "Secretarial advisory council" means a statutory advisory council, the members of which are appointed by the Secretary;

[(6) "Commissioner's advisory council" means a statutory advisory council, the members of which are appointed by the Commissioner;

[(7) "applicable statute" means any statute (or title, part, or section thereof) which authorizes an applicable program or controls the administration of any such program.

[AUTHORIZATION FOR NECESSARY ADVISORY COUNCILS

[SEC. 442. (a) The Commissioner is authorized to create, and appoint the members of, such advisory councils as he determines in writing to be necessary to advise him with respect to—

[(1) the organization of the Office of Education and its conduct in the administration of applicable programs;

[(2) recommendations for legislation regarding education programs and the means by which the educational needs of the Nation may be met; and

[(3) special problems and areas of special interest in education.

[(b) Each advisory council created under the authority of subsection (a) shall terminate not later than one year from the date of its creation unless the Commissioner determines in writing not more than thirty days prior to the expiration of such one year that its existence for an additional period, not to exceed one year, is necessary in order to complete the recommendations or reports for which it was created.

[(c) The Commissioner shall include in his report submitted pursuant to section 448 a statement on all advisory councils created or extended under the authority of this section and their activities.

[MEMBERSHIP AND REPORTS OF STATUTORY ADVISORY COUNCILS

[SEC. 443. (a) Notwithstanding any other provision of law unless expressly in limitation of the provisions of this section, each statutory advisory council—

[(1) shall be composed of the number of members provided by statute who may be appointed, without regard to the provisions of title 5, United States Code, governing appointment in the competitive service, and shall serve for terms of not to exceed three years, which in the case of initial members, shall be staggered; and

[(2) shall make an annual report of its activities, findings and recommendations to the Congress not later than March 31 of each calendar year, which shall be submitted with the Commissioner's annual report.

The Commissioner shall not serve as a member of any such advisory council.

[(b) Members of Presidential advisory councils shall continue to serve, regardless of any other provision of law limiting their terms, until the President appoints other members to fill their positions.

[COMPENSATION OF MEMBERS OF ADVISORY COUNCILS

[SEC. 444. Members of all advisory councils to which this part is applicable who are not in the regular full-time employ of the United States shall, while attending meetings or conferences of the advisory council or otherwise engaged in the business of the advisory council, be entitled to receive compensation at a rate fixed by the Commissioner, but not exceeding the rate specified at the time of such service for grade GS–18 in section 5332 of title 5, United States Code, including traveltime, and while so serving on the business of the advisory council away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in the Government services.

[PROFESSIONAL, TECHNICAL, AND CLERICAL STAFF; TECHNICAL ASSISTANCE

[SEC. 445. (a) Presidential advisory councils are authorized to appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, or otherwise obtain the services of, such professional, technical, and clerical personnel as may be necessary to enable them to carry out their functions, as prescribed by law.

[(b) The Assistant Secretary shall engage such personnel and technical assistance as may be required to permit Secretarial and Assistant Secretary's advisory councils to carry out their function as prescribed by law.

[(c) Subject to regulations of the Assistant Secretary, Presidential advisory councils are authorized to procure temporary and intermittent services of such personnel as are necessary to the extent authorized by section 3109 of title 5, United States Code, but at rates not to exceed the rate specified at the time of such service for grade GS–18 in section 5332 of such title.

[(d) No employee of an advisory council, appointed and compensated pursuant to this section, shall be compensated at a rate in excess of that which such employee would receive if such employee were appointed subject to the appropriate provisions of title 5, United States Code, regarding appointments to, and compensation with respect to, the competitive service, except that—

[(1) executive directors of Presidential advisory councils shall be compensated at the rate specified for employees placed in grade GS–18 of the General Schedule set forth in section 5332 of such title 5;

[(2) executive directors of all other statutory advisory councils shall be compensated at the rate provided for employees in grade 15 of such General Schedule; and

[(3) in accordance with regulations promulgated by the Assistant Secretary, other employees of advisory councils shall be compensated at such rates as may be necessary to enable such advisory councils to accomplish their purposes.

[MEETINGS OF ADVISORY COUNCILS

[SEC. 446. (a) Each statutory advisory council shall meet at the call of the chairman thereof but not less than two times each year.

Nonstatutory advisory councils shall meet in accordance with regulations promulgated by the Commissioner.

[(b) Minutes of each meeting of each advisory council shall be kept and shall contain a record of the persons present, a description of matters discussed and conclusions reached, and copies of all reports received, issued, or approved by the advisory council. The accuracy of all minutes shall be certified to by the chairman of the advisory council.

[AUDITING AND REVIEW OF ADVISORY COUNCIL ACTIVITIES

[SEC. 447. (a) Each statutory advisory council shall be subject to such general regulations as the Commissioner may promulgate respecting the governance of statutory advisory councils and shall keep such records of its activities as will fully disclose the disposition of any funds which may be at its disposal and the nature and extent of is activities in carrying out its functions.

[(b) The Comptroller General of the United States, or any of his duly authorized representatives, shall have access, for the purpose of audit and examination, to any books, documents, papers, and records of each advisory council which is subject to the operation of this part.

[REPORT BY THE COMMISSIONER OF EDUCATION

[SEC. 448. (a) Not later than June 30 of each calendar year after 1970, the Commissioner shall submit, as a part of the Commissioner's annual report, a report on the activities of the advisory councils which are subject to this part to the Committee on Labor and Human Resources of the Senate and the Committee on Education and Labor of the House of Representatives. Such report shall contain, at least, a list of such advisory councils, the names and affiliations of their members, a description of the function of each advisory council, and a statement of the dates of the meetings of each such advisory council.

[(b) If the Commissioner determines that a statutory advisory council is not needed or that the functions of two or more statutory advisory councils should be combined, he shall include in the report a recommendation that such advisory council be abolished or that such functions be combined. Unless there is an objection to such action by either the Senate or the House of Representatives within ninety days after the submission of such report, the Commissioner is authorized to abolish such advisory council or combine the functions of two or more advisory councils as recommended in such reports.

[RELATION TO OTHER LAWS

[SEC. 449. (a) No provision of any law establishing, authorizing the establishment of, or controlling the operation of, an advisory council which is not consistent with the provisions of this part shall apply to any advisory council to which this part applies.

[(b) The provisions of subsections (e) and (f) of section 10 of the Federal Advisory Committee Act shall not apply to Presidential advisory councils (as defined in section 441).]

* * * * * * *

DEPARTMENT OF EDUCATION ORGANIZATION ACT

* * * * * * *

Sec. 215. (a) * * *

* * * * * * *

OFFICE OF PRIVATE EDUCATION

Sec. 216. Subject to section 413, there shall be in the Department an Office of Private Education to ensure the maximum participation of nonpublic school students in all applicable programs, as such term is defined in section 400(c)(1) of the General Education Provisions Act, for which such children are eligible.

* * * * * * *

RULES

Sec. 414. [(a)] The Secretary is authorized to prescribe such rules and regulations as the Secretary determines necessary or appropriate to administer and manage the functions of the Secretary or the Department.

[(b) The Secretary, in promulgating rules and regulations as authorized by statute, shall prescribe such rules and regulations in accordance with chapter 5 of title 5, United States Code. Section 431 of the General Education Provisions Act also shall apply to such rules and regulations to the extent applicable immediately prior to the effective date of this Act, and to rules and regulations promulgated with respect to programs transferred under sections 301(a) (1), (2), and (4), 303, 304, 305, and 306.]

* * * * * * *

GIFTS AND BEQUESTS

Sec. 421. The Secretary is authorized to accept, hold administer, and utilize gifts, bequests and devises of property, both real and personal *and to accept donations of services*, for the purpose of aiding or facilitating the work of the Department. Gifts, bequests, and devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be deposited in the Treasury and shall be available for disbursement upon the order of the Secretary.

* * * * * * *

REHABILITATION ACT OF 1973

Sec. 1. * * *

* * * * * * *

[AUDIT

[Sec. 9. Each recipient of a grant or contract under this Act shall keep such records as the Secretary may prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such grant or contract, the total cost of the project or undertaking in connection with which such grant or contract is made or funds thereunder used, the amount of that portion of the cost of the project or undertaking supplied by other sources and such records as will facilitate an effective audit. The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient of any grant or contract under this Act which are pertinent to such grant or contract.]

* * * * * * *

TITLE I—VOCATIONAL REHABILITATION SERVICES

Part A—General Provisions

DECLARATION OF POLICY; AUTHORIZATION OF APPROPRIATIONS

SEC. 100. (a)(1) Congress finds that—

* * * * * * *

[(d)(1)(A) Unless the Congress in the regular session which ends prior to the beginning of the terminal fiscal year—

[(i) of the authorization of appropriations for the program authorized by the State grant program under part B of this title; or

[(ii) of the duration of the program authorized by the State grant program under part B of this title;

has passed legislation which would have the effect of extending the authorization or duration (as the case may be) of such program, such authorization is automatically extended for one additional year for the program authorized by this title.

[(B) The amount authorized to be appropriated for the additional fiscal year described in subparagraph (A) shall be an amount equal to the amount appropriated for such program for fiscal year 1997, plus the amount of the Consumer Price Index addition determined under subsection (c) for the immediately preceding fiscal year.

[(2)(A) For the purposes of subdivision (i) of paragraph (1), the Congress shall not have been deemed to have passed legislation unless such legislation becomes law.

[(B) In any case where the Commissioner is required under an applicable statute to carry out certain acts or make certain determinations which are necessary for the continuation of the program authorized by this title, if such acts or determinations are required during the terminal year of such program, such acts and determinations shall be required during any fiscal year in which that part of paragraph (1) of this subsection which follows subdivision (ii) of paragraph (1) is in operation.]

* * * * * * *

Individuals With Disabilities Education Act

* * * * * * *

PART B—ASSISTANCE FOR EDUCATION OF ALL CHILDREN WITH DISABILITIES

SETTLEMENTS AND ALLOCATIONS

SEC. 611. (a) [(1) Except as provided in paragraph (5) and in section 619, the maximum amount of the grant to which a State is entitled under this part for any fiscal year shall be equal to—

[(A) the number of children with disabilities aged 3–5, inclusive, in a State who are receiving special education and related services as determined under paragraph (3) if the State is eligible for a grant under section 619 and the number of children with disabilities aged 6–21, inclusive, in a State who are receiving special education and related services as so determined;

multiplied by—

[(B)(i) 5 per centum, for the fiscal year ending September 30, 1978, of the average per pupil expenditure in public elementary and secondary schools in the United States;

[(ii) 10 per centum, for the fiscal year ending September 30, 1979, of the average per pupil expenditure in public elementary and secondary schools in the United States;

[(iii) 20 per centum, for the fiscal year ending September 30, 1980, of the average per pupil expenditure in public elementary and secondary schools in the United States;

[(iv) 30 per centum, for the fiscal year ending September 30, 1981, of the average per pupil expenditure in public elementary and secondary schools in the United States; and

[(v) 40 per centum, for the fiscal year ending September 30, 1982, and for each fiscal year thereafter, of the average per pupil expenditure in public elementary and secondary schools in the United States;

except that no State shall receive an amount which is less than the amount which such State received under this part for the fiscal year ending September 30, 1977.] *(1) Except as provided in paragraph (5), the maximum amount of the grant for which a State is entitled under this section for any fiscal year is—*

(A) the sum of—

(i) the number of children with disabilities in the State, aged 6 through 12, who are receiving special education and related services, as determined under paragraph (3); and

(ii) if the State is eligible for a grant under section 619, the number of such children in the State, aged 3 through 5; multiplied by

(B) 40 percent of the average per-pupil expenditure in public elementary and secondary schools in the United States.

[(2) For the purpose of this subsection and subsection (b) through subsection (e), the term "State" does not include Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.]

(2) For the purpose of this section, the term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

* * * * * * *

(5)(A) In determining the allotment of each State under paragraph (1), the Secretary may not count—

(i) children with disabilities aged three to seventeen, inclusive, in such State under paragraph (1)(A) to the extent the number of such children is greater than 12 percent of the number of all children aged three to seventeen, inclusive, in such State [and the State], *or the combined percentage of such children counted by the Secretary for the purpose of making fiscal year 1994 allocations under this section and under subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (as such subpart was in existence on the day preceding the date of enactment of the Improving America's Schools Act of 1994), whichever is greater, if the State* serves all children with disabilities aged three to five, inclusive, in the State pursuant to State law or practice or the order of any court,

(ii) children with disabilities aged five to seventeen, inclusive, in such State under paragraph (1)(A) to the extent the number of such children is greater than 12 percent of the number of all children aged five to seventeen, inclusive, in such State [and the State], *or the combined percentage of such children counted by the Secretary for the purpose of making fiscal year 1994 allocations under this section and under subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (as such subpart was in existence on the day preceding the date of enactment of the Improving America's Schools Act of 1994), whichever is greater, if the State* does not serve all children with disabilities aged three to five, inclusive, in the State pursuant to State law or practice or the order of any court[; and].

[(iii) children with disabilities who are counted under subpart 2 of part D of chapter 1 of title 1 of the Elementary and Secondary Education Act of 1965.]

* * * * * * *

[(b)(1) Of the funds received under subsection (a) by any State for the fiscal year ending September 30, 1978—

[(A) 50 per centum of such funds may be used by such State in accordance with the provisions of paragraph (2); and

[(B) 50 per centum of such funds shall be distributed by such State pursuant to subsection (d) to local educational agencies and intermediate educational units in such State, for use in accordance with the priorities established under section 612(3).

[(2) Of the funds which any State may use under paragraph (1)(A)—

[(A) an amount which is equal to the greater of—

[(i) 5 per centum of the total amount of funds received under this part by such State; or

[(ii) $200,000;

may be used by such State for administrative costs related to carrying out sections 612 and 613;

[(B) the remainder shall be used by such State to provide support services and direct services in accordance with the priorities established under section 612(3).]

(b)(1) Notwithstanding subsections (a) and (g), no State shall receive an amount under this section for any of the fiscal years 1995 through 1999 that is less than the sum of the amount such State received for fiscal year 1994 under—

(A) this section; and

(B) subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (as such subpart was in existence on the day preceding the date of enactment of the Improving America's Schools Act of 1994) for children with disabilities aged 3 through 21.

(2) If, for fiscal year 1998 or 1999, the number of children determined under subsection (a)(3) for any State is less than the total number of children with disabilities, aged 3 through 21, counted for that State's fiscal year 1994 grants under this section and under subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (as such subpart was in existence on the day preceding the date of enactment of the Improving America's Schools Act of 1994), then the amount determined under paragraph (1) for that State shall be reduced by the same percentage by which the number of those children so declined.

(c)[(1) Of the funds received under subsection (a) by any State for the fiscal year ending September 30, 1979, and for each fiscal year thereafter—

[(A) 25 per centum of such funds may be used by such State in accordance with the provisions of paragraph (2); and

[(B) except as provided in paragraph (4), 75 per centum of such funds shall be distributed by such State pursuant to subsection (d) to local educational agencies and intermediate educational units in such State, for use in accordance with priorities established under section 612(3).] *(1) Of the funds received under subsection (a) by any State for any fiscal year—*

(A) a State may use not more than 25 percent of such funds in accordance with paragraph (2); and

(B) except as provided in paragraph (4), the State shall distribute at least 75 percent of such funds to local educational agencies and intermediate educational units, in accordance with subsection (d), for use in accordance with priorities established under section 612(3).

(2)[(A) Subject to the provisions of subparagraph (B), of the funds which any State may use under paragraph (1)(A)—

[(i) an amount which is equal to the greater of—

[(I) 5 per centum of the total amount of funds received under this part by such State; or

[(II) $450,000

may be used by such State for administrative costs related to carrying out the provisions of sections 612 and 613; and

[(ii) the part remaining after use in accordance with clause (i) shall be used by the State (I) to provide support services and direct services in accordance with the priorities established under section 613(3), and (II) for the administrative costs of monitoring and complaint investigation but only to the extent that such costs exceed the costs of administration incurred during fiscal year 1985. *(A) From the funds that any State may use under paragraph (1)(A) for any fiscal year, the State—*

(i) may use 5 percent of the funds received under this section or $450,000, whichever is greater, for administrative costs related to carrying out sections 612 and 613; and

(ii) shall use the remainder—

(I) to provide support services and direct services, subject to subparagraph (B), in accordance with priorities established under section 613(3); and

(II) for the administrative costs of monitoring and complaint investigation, but only to the extent that such costs exceed the costs of administration incurred during fiscal year 1985.

* * * * * * *

[(d) From the total amounts of funds available to local educational agencies and intermediate educational units in any State under subsection (b)(1)(B) or subsection (c)(1)(B), as the case may be, each local educational agency or intermediate educational unit shall be entitled to an amount which bears the same ratio to the total amount available under subsection (b)(1)(B) or subsection (c)(1)(B), as the case may be, as the number of children with disabilities aged three to twenty-one, inclusive, receiving special education and related services in such local educational agency or intermediate educational unit bears to the aggregate number of children with disabilities aged three to twenty-one, inclusive, receiving special education and related services in all local educational agencies and intermediate educational units which apply to the State educational agency involved for funds under this part.]

(d)(1) From the total amount of funds available for any fiscal year under subsection (b)(1)(B), the State shall provide to each local educational agency or intermediate educational unit an amount that bears the same ratio to such total amount as the number of children, aged 3 through 21, determined under subsection (a)(3) for such agency or unit bears to the total number of such children determined for all such agencies and units that apply for such funds.

(2)(A) To the extent necessary, the State—

(i) shall use funds available under subsection (c)(2)(A)(ii) to ensure that each State agency that received funds for fiscal year 1994 under subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (as such subpart was in existence on the day preceding the date of enactment of the Improving America's Schools Act of 1994) receives, from the sum of such funds and funds provided under paragraph (1), an amount equal to—

(I) the number of children, aged 6 through 21, determined under subsection (a)(3) for such agency; multiplied by

(II) the per-child amount provided under such subpart for fiscal year 1994; and

(ii) shall use such funds to ensure that each local educational agency that received funds for fiscal year 1994 under such subpart for children who had transferred from a State-operated or State-supported school or program assisted under such subpart receives, from the sum of such funds and funds provided under paragraph (1), an amount for each such child, aged 3 through 21, determined under subsection (a)(3) for such agency, equal to the per-child amount the agency received under such subpart for fiscal year 1994.

(B) For the purpose of subparagraph (A), the number of children determined under subsection (a)(3) for any State agency or local educational agency shall not exceed the number of children aged 3 through 21 for whom such agency received funds under such subpart for such fiscal year.

(e)[(1) The jurisdictions to which this subsection applies are Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.] *(1) The jurisdictions to which this subsection applies are Guam, American Samoa, The Virgin Islands, the Commonwealth of the Northern Mariana Islands, and Palau.*

* * * * * * *

[(g)(1) If the sums appropriated under subsection (h) for any fiscal year for making payments to States under subsection (a) are not sufficient to pay in full the total amounts which all States are entitled to receive under subsection (a) for such fiscal year, the maximum amounts which all States are entitled to receive under subsection (a) for such fiscal year shall be ratably reduced. In case additional funds become available for making such payments for any fiscal year during which the preceding sentence is applicable, such reduced amounts shall be increased on the same basis as they were reduced.

[(2) In the case of any fiscal year in which the maximum amounts for which States are eligible have been reduced under the first sentence of paragraph (1), and in which additional funds have not been made available to pay in full the total of such maximum amounts under the last sentence of such paragraph, the State educational agency shall fix dates before which each local educational agency or intermediate educational unit shall report to the State educational agency on the amount of funds available to the local educational agency or intermediate educational unit, under the provisions of subsection (d), which it estimates that it will expend in accordance with the provisions of this section. The amounts so available to any local educational agency or intermediate educational unit, or any amount which would be available to any other local educational agency or intermediate educational unit if it were to submit a program meeting the requirements of this part, which the State educational agency determines will not be used for the period of its availability, shall be available for allocation to those local educational agencies or intermediate educational units, in the manner provided by this section, which the State educational agency determines will need and be able to use additional funds to carry out approved programs.]

(g)(1)(A) If the sums appropriated under subsection (h) for any fiscal year are not sufficient to pay in full the total of the amounts that

all States are eligible to receive under subsection (a), each such amount shall be ratably reduced.

(B) If additional funds become available for making such payments for any fiscal year, such reduced amounts shall be increased on the same basis as such payments were reduced.

(C) Any State that receives any such additional funds shall distribute such funds in accordance with this section, except that any State that has used funds available under subsection (c)(2)(A)(ii) for the purposes described in subsection (d)(2) may—

(i) deduct, from the amount that the State would otherwise be required to make available to local educational agencies and intermediate educational units, the same amount of such additional funds as the State so used; and

(ii) use such funds in accordance with subsection (c)(2)(A)(ii).

(2)(A) In any fiscal year for which payments have been reduced and additional funds have not been made available under paragraph (1) to pay in full the amounts for which all States are eligible under this section, each State educational agency shall fix dates by which each local educational agency or intermediate educational unit shall report to the State agency the amount of funds available to such agency under this section that such agency estimates such agency will expend.

(B) The State educational agency shall, in accordance with this section, reallocate any funds that the State educational agency determines will not be used during the period of availability by local educational agencies and intermediate educational units, and by any such agency or unit to which such funds would be available if such agency or unit applied for such funds under this part, to those local educational agencies and intermediate educational units that the State educational agency determines will need, and be able to use, additional funds to carry out approved programs.

* * * * * * *

APPLICATION

SEC. 614. (a) * * *

* * * * * * *

TREATMENT OF CHAPTER 1 STATE AGENCIES

SEC. 614A. (a) For the purpose of making payments under sections 611 and 619 of this Act, any State agency that received funds for fiscal year 1994 under subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (as such subpart was in existence on the day preceding the date of enactment of the Improving America's Schools act of 1994) shall be treated as if the State agency were a local educational agency.

(b) Any State agency which desires to receive payments under section 611(d) and section 619(c)(3) for any fiscal year shall submit an application to the State educational agency. Such application shall—

(1) include an assurance that all children with disabilities who are participating in programs and projects funded under this part receive a free appropriate public education, and that

such children and their parents are provided all the rights and procedural safeguards described in this part; and

(2) meet those requirements of section 614 that the Secretary finds appropriate.

(c) Section 611(c)(4) shall not apply with respect to a State agency that is eligible for a payment under this party by application of this section.

* * * * * * *

ALLOCATION OF FUNDS

SEC. 684. (a) * * *

* * * * * * *

(c)**[**(1) For each of the fiscal years 1987 through 1994 from the funds remaining after the reservation and payments under subsections (a) and (b), the Secretary shall allot to each State an amount which bears the same ratio to the amount of such remainder as the number of infants and toddlers in the State bears to the number of infants and toddlers in all States, except that no State shall receive less than 0.5 percent of such remainder, or $500,000, whichever is greater.**]** *(1) Except as provided in paragraphs (3) and (4), from the funds remaining for each fiscal year after the reservation and payments under subsections (a) and (b), the secretary shall first allot to each State an amount that bears the same ratio to the amount of such remainder as the number of infants and toddlers in the State bears to the number of infants and toddlers in all States.*

(2) For fiscal year 1995 only, the Secretary shall allot $34,000,000 of the remaining funds described in paragraph (1) among the States in proportion to their relative numbers of infants and toddlers with disabilities who—

(A) are counted on December 1, 1994; and

(B) would have been eligible to be counted under section 1221(c)(1) of the Elementary and Secondary Education Act of 1965 (as such section was in effect on the day preceding the date of the enactment of the Improving America's Schools Act of 1994).

(3) Except as provided in paragraph (4), no State shall receive an amount under this section for any fiscal year that is less than the greater of—

(A) one-half of one percent of the remaining amount described in paragraph (1), excluding any amounts allotted under paragraph (2); or

(B) $500,000.

(4)(A) No State shall receive an amount under this section for any of the fiscal years 1995 through 1999 that is less than the sum of the amount such State received for fiscal year 1994 under—

(i) this part; and

(ii) subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (as such subpart was in existence on the day preceding the date of enactment of the Improving America's School Act of 1994) for children with disabilities from birth through age 2.

(B) If, for fiscal year 1998 or 1999, the number of infants and toddlers, in any State, as determined under paragraph (1), is less than the number of infants and toddlers so determined for fiscal year 1994, the amount determined under subparagraph (A) for that State shall be reduced by the same percentage by which the number of those infants and toddlers so declined.

[(2)] *(5)* For the purpose of paragraph (1)—

(A) the terms "infants" and "toddlers" means children from birth to age 2, inclusive, and

(B) the term "State" does not include the jurisdictions described in subsection (a).

* * * * * * *

STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT

* * * * * * *

[SEC. 702. STATE LITERACY INTIATIVES.

[(a) GENERAL AUTHORITY.—The Secretary of Education shall make grants to State educational agencies to enable each such agency to implement, either directly or through contracts and grants, a program of literacy training and basic skills remediation for adult homeless individuals with the State, which shall—

[(1) include a program of outreach activities; and

[(2) be coordinated with existing resources such as community-based organizations, VISTA recipients, adult basic education program recipients, and nonprofit literacy-action organizations.

[(b) APPLICATION.—Each State educational agency desiring to receive its allocation under this section shall submit to the Secretary of Education an application at such time, in such manner, and containing such information as the Secretary may reasonably require. Each such application shall include an estimate of the number of homeless expected to be served.

[(c) AUTHORIZATION OF APPROPRIATIONS; ALLOCATION.—

[(1) There is authorized to be appropriated $10,000,000 for each of the fiscal years 1989 and 1990, $13,700,000 for fiscal year 1991, and such sums as may be necessary in each of the fiscal years 1992, and 1993, for the adult literacy and basic skills remediation programs authorized by this section.

[(2) The Secretary of Education shall distribute funds to States on the basis of the assessments of the homeless population in the States made in the comprehensive plans submitted under this Act, except that no State shall receive less than $75,000 under this section.

[(d) DEFINITION.—As used in this section, the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of Northern Mariana Islands.]

STATE LITERACY INITIATIVES

SEC. 702. (a) GENERAL AUTHORITY.—

(1) GRANTS.—The Secretary of Education is authorized to make grants to State educational agencies to enable each such agency to implement, either directly or through contracts and grants, a program of literacy training and academic remediation for adult homeless individuals within the State, which program shall—

(A) include outreach activities; and

(B) be coordinated with other agencies or organizations, such as community-based organizations, nonprofit literacy-action organizations, and recipients of funds under the Adult Education Act, title II of the Job Training Partnership Act, the Youth Fair Chance program under part H of title IV of the Job Training Partnership Act, the Volunteers in Service to America program under part A of title I of the Domestic Volunteer Service Act of 1973, part C of this title, or the Job Opportunity and Basic Skills program under part F of title IV of the Social Security Act.

(2) ESTIMATES AND AMOUNTS.—The Secretary of Education, in awarding grants under this section, shall give special consideration to the estimates submitted in the application submitted under subsection (b) and make such awards in whatever amounts such Secretary determines will best serve the purposes of this section.

(b) APPLICATION.—Each State educational agency desiring to receive a grant under this section shall submit to the Secretary of Education an application at such time, in such manner, and containing such information as the Secretary may reasonably require. Each such application shall include an estimate of the number of homeless individuals in the State and the number of such individuals expected to be served.

(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out the adult literacy and academic remediation programs authorized by this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

(d) DEFINITION.—As used in this section, the term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and Palau (until the effective date of the Compact of Free Association with the Government of Palau).

[SEC. 721. STATEMENT OF POLICY.

[It is the policy of the Congress that—

[(1) each State educational agency shall assure that each child of a homeless individual and each homeless youth have access to free, appropriate public education which would be provided to the children of a resident of a State and is consistent with the State school attendance laws;

[(2) in any State that has a residency requirement as a component of its compulsory school attendance laws or other laws, regulations, practices, or policies, or policies that may act as a barrier to the enrollment, attendance, or success in school of homeless children and homeless youth, the State will review and undertake steps to revise such laws, regulations, practices, or policies to assure that the children of homeless individuals and homeless youth are afforded a free and appropriate public education; and

[(3) homelessness alone should not be sufficient reason to separate students from the mainstream school environment.

[SEC. 722. GRANTS FOR STATE AND LOCAL ACTIVITIES FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTH.

[(a) GENERAL AUTHORITY.—The Secretary of Education is, in accordance with the provisions of this section, authorized to make grants to States to carry out the activities described in subsections (c), (d), and (e).

[(b) ALLOCATION.—From the amounts appropriated for each fiscal year pursuant to subsection (g), the Secretary shall allot to each State an amount which bears the same ratio to the amount appropriated in each such year as the amount allocated under part A of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 to the local educational agencies in the State in that year bears to the total amount allocated to such agencies in all States, except that no State shall receive less than $50,000. The Secretary shall reserve 0.1 percent of the amount appropriated for each fiscal year to be allocated by the Secretary among the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and Palau (until the Compact of Free Association with Palau takes effect pursuant to section 101(a) of Public Law 90–658), according to their respective need, as determined by the Secretary, except that no such territory shall receive less in fiscal year 1991 than it received in fiscal year 1990. The Secretary may also reserve not to exceed 1 percent of the amount appropriated for each fiscal year for programs for Indian students served by schools funded by the Secretary of the Interior, as determined under the Indian Self-Determination and Education Assistance Act consistent with the purposes of this Act. As used in this subsection, the term "State" shall not include the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or Palau.

[(c) AUTHORIZED ACTIVITIES.—Grants under this section shall be used—

[(1) to carry out the policies set forth in section 721 in the State;

[(2) to provide activities for and services to homeless children and homeless youths that enable such children and youths to enroll in, attend, and achieve success in school;

[(3) to establish or designate an Office of Coordinator of Education of Homeless Children and Youth in accordance with subsection (d);

[(4) to prepare and carry out the State plan described in subsection (e);

[(5) to develop and implement programs for school personnel to heighten awareness of specific problems of the education of homeless children and youth; and

[(6) if amounts appropriated for the applicable fiscal year exceed the amount appropriated for fiscal year 1990 under this section, to provide grants to local educational agencies for purposes of this section, and if such amounts appropriated do not exceed the amount appropriated for fiscal year 1991, the State education agency, at the discretion of such agency, may provide such grants.

[(d) FUNCTIONS OF THE OFFICE OF THE COORDINATOR.—The Coordinator of Education of Homeless Children and Youth established in each State shall—

[(1) once every two years, gather data on the number and location of homeless children and youth in the State, and such data gathering shall include the number of homeless children and homeless youths enrolled in schools in the State, determined through random sampling or other statistical methods that ensure that such children and youths are not overtly identified as being homeless, the nature and extent of problems of access to, and placement of, homeless children and homeless youth in elementary and secondary schools, the difficulties in identifying the special needs of such children, and any progress made by the State educational agency and local educational agencies within the State in addressing such problems and difficulties;

[(2) develop and carry out the State plan described in subsection (e);

[(3) prepare and submit to the Secretary not later than December 31, 1991, and on December 31 of every second year thereafter a report on the data gathered pursuant to paragraph (1);

[(4) facilitate coordination between the State education agency, the State social services agency, and other agencies providing services to homeless children and youth and their families; and

[(5) develop relationships and coordinate with other relevant education, child development, or preschool programs and providers of services to homeless children, homeless families, and runaway and homeless youths (including domestic violence agencies, shelter operators, transitional housing facilities, runaway and homeless youth centers, and transitional living programs for homeless youths) in order to improve the provision of comprehensive services to homeless children and homeless youths and families of such children and youths.

To the extent that reliable current data is available in the State, each coordinator described in this subsection may use such data to fulfill the requirements of paragraph (1).

[(e) STATE PLAN.—

[(1) Each State shall adopt a plan to provide for the education of each homeless child or homeless youth within the State which will contain provisions designed to—

[(A) authorize the State educational agency, the local educational agency, the parent or guardian of the homeless child, the homeless youth, or the applicable social worker to make the determinations required under this section;

[(B) provide procedures for the prompt resolution of disputes regarding the educational placement of homeless children and youth;

[(C) develop programs for school personnel (including principals, attendance officers, teachers, and enrollment personnel), to heighten the awareness of such personnel of the specific educational needs of runaway and homeless youths; and

[(D) ensure that homeless children and homeless youths who meet the relevant eligibility criteria are able to participate in Federal, State, or local food programs.

[(E) ensure that homeless children and homeless youths who meet the relevant eligibility criteria are able to participate in Federal, State, or local before- and after-school care programs and provide for the disclosure of data concerning the participation of such children in such programs in plans submitted by the State after the initial plan of the State;

[(F) address problems set forth in the report provided to the Secretary under subsection (d)(3);

[(G) address problems with respect to the education of homeless children and homeless youths, including problems caused by—

[(i) transportation issues; and

[(ii) enrollment delays which are caused by—

[(I) immunization requirements;

[(II) residency requirements;

[(III) lack of birth certificates, school records, or other documentation; or

[(IV) guardianship issues;

[(H) demonstrate that the State and local educational agencies in the State have developed and will review and revise policies to remove barriers to the enrollment and retention of homeless children and homeless youths in schools of the State; and

[(I) ensure that the State educational agency and local educational agencies within the State will adopt policies and practices to ensure that homeless children and homeless youths are not isolated or stigmatized.

[(2) Each plan adopted under this subsection shall assure, to the extent practicable under requirements relating to education established by State law, that local educational agencies within the State will comply with the requirements of paragraphs (3) through (9).

[(3)(A) The local educational agency of each homeless child and each homeless youth shall either—

[(i) continue the child's or youth's education in the school of origin—

[(I) for the remainder of the academic year; or

[(II) in any case in which a family becomes homeless between academic years, for the following academic year; or

[(ii) enroll the child or youth in any school that nonhomeless students who live in the attendance area in which the child or youth is actually living are eligible to attend;

whichever is in the child's best interest or the youth's best interest.

[(B) In determining the best interests of the child or youth for purposes of making a school assignment under subparagraph (A), consideration shall be given to a request made by a parent regarding school selection.

[(C) For purposes of this paragraph, the term "school of origin" shall mean the school that the child or youth attended when permanently housed, or the school in which the child or youth was last enrolled.

[(4) The choice regarding placement shall be made regardless of whether the child or youth is living with the homeless parents or has been temporarily placed elsewhere by the parents.

[(5) Each homeless child shall be provided services comparable to services offered to other students in the school selected according to the provisions of paragraph (3), including transportation services, educational services for which the child meets the eligibility criteria, such as compensatory educational programs for the disadvantaged, and educational programs for the handicapped and for students with limited English proficiency; programs in vocational education; programs for the gifted and talented; and school meals programs.

[(6) Any record ordinarily kept by the school, including immunization records, academic records, birth certificates, guardianship records, and evaluations for special services or programs of each homeless child or youth shall be maintained—

[(A) so that the records are available, in a timely fashion, when a child or youth enters a new school district; and

[(B) in a manner consistent with section 438 of the General Education Provisions Act.

[(7) Each local educational agency serving homeless children or youth that receives assistance under this title shall coordinate with local social services agencies, and other agencies or programs providing services to such children or youth and their families.

[(8) Each local educational agency that receives assistance under this title shall designate a homelessness liaison to ensure that—

[(A) homeless children and youth enroll and succeed in the schools of that agency; and

[(B) homeless families, children and youth receive educational services for which they are eligible, and referrals to health care services, dental services, mental health services, and other appropriate services.

State coordinators and local educational agency liaisons shall inform school personnel, service providers and advocates working with homeless families of the duties of the liaisons.

[(9) Each State and local educational agency shall review and revise any policies that may act as barriers to the enrollment of homeless children and youth in schools selected in accordance with paragraph (3). In reviewing and revising such policies, consideration shall be given to issues concerning transportation, requirements of immunization, residency, birth certificates, school records, or other documentation, and guardianship. Special attention shall be given to ensuring the enrollment and attendance of homeless children and youths who are not currently attending school.

[(f) APPLICATION.—No State may receive a grant under this section unless the State educational agency submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

[(g) AUTHORIZATION OF APPROPRIATIONS.—

[(1) There is authorized to be appropriated to carry out this section $50,000,000 for fiscal year 1991, and such sums as may be necessary for each of the fiscal years 1992 and 1993.

[(2) The State educational agency may reserve not to exceed 5 percent of the amount received by such agency under this section in each fiscal year, or an amount equal to the amount received by such State agency for State activities under this section in fiscal year 1990, whichever is greater, to conduct activities under paragraphs (1) through (5) of subsection (c).

[(3)(A) In any fiscal year in which the amount appropriated under paragraph (1) does not equal or exceed $100,000,000, the State educational agency shall use funds not otherwise reserved under paragraph (2) to award grants to local educational agencies in accordance with subsection (c)(6).

[(B) In any fiscal year in which the amount appropriated under paragraph (1) equals or exceeds $100,000,000, the State educational agency shall use funds not otherwise reserved under paragraph (2) to allocate to each local educational agency an amount that bears the same ratio to amount not otherwise reserved as the aggregate amount received by such local educational agency under part A of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 for such fiscal year bears to the aggregate amount received by all local educational agencies in the State for purposes of carrying out such part for such fiscal year.

[(4) Sums appropriated in each fiscal year shall remain available for the succeeding fiscal year.

[SEC. 723. LOCAL EDUCATIONAL AGENCY GRANTS FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTH.

[(a) GENERAL AUTHORITY.—

[(1) GRANTEES AND PURPOSE OF GRANTS.—The State educational agency shall, in accordance with section 722(c)(6) and from amounts made available to such agency under section 722, make grants to local educational agencies for the purpose of facilitating the enrollment, attendance and success of homeless children and youths in schools.

[(2) USE OF GRANTS.—Unless otherwise specified, services under paragraph (1) may be provided through programs on school grounds or at other nonsectarian facilities. Where services are provided through programs on school grounds, such services may also be made available to children or youths who are determined by the local educational agency to be at risk of failing in or dropping out of schools, except that priority for such services shall be given to homeless children and homeless youths. To the maximum extent practicable, services shall be provided through existing programs and mechanisms that integrate homeless individuals with nonhomeless individuals.

[(3) REGULAR ACADEMIC PROGRAM.—Services provided under this section are not intended to replace the regular academic program.

[(b) AUTHORIZED ACTIVITIES.—

[(1) PRIMARY ACTIVITIES.—Not less than 50 percent of amounts provided under a grant under this section shall be used to provide tutoring, remedial education services, or other education services to homeless children or homeless youths.

[(2) RELATED ACTIVITIES.—Not less than 35, nor more than 50 percent of the amounts provided under a grant under this section may be used for activities that may include—

[(A) the provision of expedited evaluations of the strengths and needs of homeless children and homeless youths, including needs and eligibility for programs and services (including gifted and talented programs, special education programs, programs for students with limited English proficiency, and remedial services);

[(B) professional development for educators and other school personnel that is designed to develop awareness and sensitivity to the needs of homeless children and homeless youths and the rights of such children and youths under this Act;

[(C) the provision of referral services to homeless children and homeless youths for medical, dental, mental, and other health services;

[(D) the provision of assistance to defray the excess cost of transportation for students not provided under section 722(e)(5) and not otherwise provided through Federal, State, or local funding, where necessary to enable students to attend the school selected under section 722(e)(3);

[(E) the provision of developmentally appropriate early childhood programs for preschool age children;

[(F) the provision of before- and after-school and summer programs for homeless children and homeless youths in which a teacher or other qualified individual provides tutoring, homework assistance, and supervision of educational activities;

[(G) where necessary, the payment of fees and other costs associated with tracking, obtaining, and transferring records necessary to enroll homeless children and homeless youths in school, including birth certificates, immunization records, academic records, guardianship records, and evaluations for special programs or services;

[(H) the provision of parent education and training to the parents of homeless children and homeless youths about the rights of and resources available to such children and youths;

[(I) the development of coordination between schools and agencies providing services to homeless children and homeless youths;

[(J) the provision of counseling, social work and psychological services including violence counseling, and referrals for such services;

[(K) activities to address the particular needs of homeless children and homeless youths that may arise from domestic violence;

[(L) activities to develop and implement programs for school personnel to heighten the awareness of such personnel of the specific educational needs of runaway and homeless youths;

[(M) the adaptation of space and the purchase of supplies for nonschool facilities made available under subsection (a)(2) to provide services under this subsection;

[(N) the provision of school supplies to be distributed at the shelter or temporary housing facilities; and

[(O) the provision of such other extraordinary or emergency assistance determined by the Secretary as essential to enable homeless children and youth to attend school.

[(3) ELIGIBILITY.—No State or local educational agency may receive a grant under this section unless the State in which the agency is located has submitted a State plan as required by section 722(e).

[(c) AWARDS.—

[(1) BASIS.—Except as provided in section 722(g)(3)(B), from amounts appropriated for each fiscal year under section 722(g), the State educational agency may award grants under this section to local educational agencies submitting an application under subsection (d) on the basis of the need of such agencies.

[(2) DETERMINATION.—In determining need under paragraph (1), the State educational agency may consider the number of homeless children and homeless youth enrolled in preschool, elementary, and secondary schools within the area served by the agency, and shall consider the needs of such children and youth, and the ability of the agency to meet such needs. Such agency may also consider—

[(A) the extent to which the proposed use of funds would facilitate the enrollment, retention, and educational success of homeless children and youth;

[(B) the extent to which the application reflects coordination with other local and State agencies that serve homeless children and youth, as well as the State Plan required by section 722(e);

[(C) the extent to which the applicant exhibits in the application and in current practice a commitment to education for all homeless children and youth in its jurisdiction; and

[(D) other criteria as the agency determines appropriate.

[(d) APPLICATION.—

[(1) IN GENERAL.—A local educational agency that desires to receive a grant under this section shall submit an application to the State educational agency at such time, in such manner, and containing or accompanied by such information as the State agency may reasonably require according to guidelines issued by the Secretary. Each such application shall include—

[(A) a description of the services and programs for which assistance is sought and the problems sought to be addressed through the provision of such services and programs;

[(B) assurances that the applicant complies with or will use requested funds to come into compliance with paragraphs (3) through (9) of section 722(e);

[(C) an assurance that assistance under the grant will supplement and not supplant funds used before the award of the grant for purposes of providing services to homeless children and homeless youths; and

[(D) a description of policies and procedures that the agency will implement to ensure that activities carried out by the agency will not isolate or stigmatize homeless children and homeless youth.

[(3) Terms of Awards.—Grants awarded under this section shall be for terms of not to exceed 2 years.

[(e) Reports.—Each State educational agency that receives a grant under this section for any fiscal year shall, as part of the plan to the State submitted under section 722(c)(4), provide to Secretary data concerning—

[(1) the number of homeless children and homeless youths served with assistance provided under the grant under this section; and

[(2) a description of the success of the program under this section in allowing homeless children and homeless youths to enroll in, attend, and succeed in school.

[SEC. 724. NATIONAL RESPONSIBILITIES.

[(a) General Accounting Office.—The Comptroller General of the United States shall prepare and submit to the Congress not later than June 30, 1988, a report on the number of homeless children and youth in all States.

[(b) Secretarial Responsibilities.—

[(1) The Secretary shall monitor and review compliance with the provisions of this subtitle in accordance with the provisions of the General Education Provisions Act. In reviewing the State plans submitted by the State educational agencies under section 722(e), the Secretary shall evaluate whether State laws, policies, and practices described in such plans adequately address the problems of homeless children and homeless youth relating to access to education and placement as described in such plans.

[(2)(A) The Secretary, in consultation with persons and organizations that are knowledgeable about the needs of homeless children and youth, shall, through the awarding of a grant, or through entering into a contract or cooperative agreement, conduct a study to determine the best means of identifying, locating, and counting homeless children and youth for the purposes of this subtitle. Such persons and organizations to be consulted shall include representatives of State coordinators, local educational agencies with substantial numbers of homeless children and youth, local government agencies with responsibility for administering homeless shelters, and advocacy groups representing the interests of homeless children and youth. The Secretary shall also consult with the Secretary of Health and Human Services and the Secretary of Housing and Urban Development, as appropriate, in carrying out this paragraph.

[(B) The study conducted under subparagraph (A) shall consider—

[(i) the appropriate definition of the terms "homeless child" and "homeless youth";

[(ii) the experience of the 1990 Census in identifying, locating, and counting homeless children and youth;

[(iii) appropriate methodologies for identifying, locating, and counting such children and youth, including using schools, shelters, and other social service agencies to collect data; and

[(iv) the projected accuracy of the methodologies identified in clause (iii), and the costs associated with the use of each methodology;

to determine the number of homeless children and youth in the United States to create as accurate an account as possible of the number, location, and living circumstances of such children and youth, including the number of such children and youth that are attending school regularly, part-time, or not at all, and reasons for the nonattendance of such children and youth.

[(C)(i) Not later than 240 days after the date of enactment of this paragraph, the Secretary shall prepare and submit, to the appropriate committees of Congress, a report containing the results of the study conducted under subparagraph (A) and the estimated costs of making the estimates required under clause (ii).

[(ii) Not later than December 1, 1992, the Secretary, in consultation with the appropriate committees of Congress, and through the use of appropriate statistical methodology, shall, through a grant, contract or cooperative agreement, determine accurate estimates of the number of homeless children and youth throughout the Nation and the number of such children and youth attending school.

[(D) The Secretary may reserve not more than $250,000 from amounts appropriated under section 722(g) in 1991 to carry out the study required under subparagraph (A).

[(E) There are authorized to be appropriated such sums as may be necessary in 1992 to prepare the report and estimates required under subparagraph (C).

[(3) The Secretary shall provide such support and technical assistance to the State educational agencies as is required by such agencies to carry out their responsibilities under this subtitle,

[(4) The Secretary shall prepare and submit a report to the Congress on the programs and activities authorized by this subtitle at the end of each fiscal year.

[(5) The Secretary shall compile and submit a report to the Congress containing the information received from the States pursuant to section 722(d)(3) within 45 days of its receipt.

[(5) The Secretary shall conduct evaluation and dissemination activities of programs designed to meet the educational needs of homeless elementary and secondary school students.

[(6) The Secretary shall require applications for grants under this subtitle to be submitted to the Secretary not later than the expiration of the 60-day period beginning on the date that funds are available for purposes of making such grants and shall make such grants not later than the expiration of the 120-day period beginning on such date.

[(7) The Secretary, based on the information received from the States and information gathered by the Secretary under paragraph (1), shall determine the extent to which State educational agencies are ensuring that each homeless child and homeless youth has access to a free appropriate public education as described in section 721(1).

[SEC. 725. REPORTS.

[Not later than 2 years after the date of enactment of this subsection, the Comptroller General of the United States, in consultation with the Secretary, shall prepare and submit to the appropriate Committees of Congress a report containing the findings of a study conducted to determine the most effective method of distributing funds provided under this subtitle to State educational agencies and local educational agencies.

[726. DEFINITIONS.

[As used in this subtitle—

[(1) the term "Secretary" means the Secretary of Education; and

[(2) the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.]

Subtitle B—Education for Homeless Children and Youth

STATEMENT OF POLICY

SEC. 721. It is the policy of the Congress that—

(1) each State educational agency shall ensure that each child of a homeless individual and each homeless youth has equal access to the same free, appropriate public education, including a public preschool education, as provided to other children and youth;

(2) in any State that has a compulsory residency requirement as a component of the State's compulsory school attendance laws or other laws, regulations, practices, or policies that may act as a barrier to the enrollment, attendance, or success in school of homeless children and youth, the State will review and undertake steps to revise such laws, regulations, practices, or policies to ensure that homeless children and youth are afforded the same free, appropriate public education as provided to other children and youth;

(3) homelessness alone should not be sufficient reason to separate students from the mainstream school environment; and

(4) homeless children and youth should have access to the education and other services that such children and youth need to ensure that such children and youth have an opportunity to meet the same challenging State student performance standards to which all students are held.

GRANTS FOR STATE AND LOCAL ACTIVITIES FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTH

SEC. 722. (a) GENERAL AUTHORITY.—The Secretary is authorized to make grants to States in accordance with the provisions of this section to enable such States to carry out the activities described in subsections (d), (e), (f), and (g).

(b) APPLICATION.—No State may receive a grant under this section unless the State educational agency submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

(c) ALLOCATION AND RESERVATIONS.—(1) Subject to paragraph (2) and section 724(c), from the amounts appropriated for each fiscal year under section 726, the Secretary is authorized to allot to each State an amount that bears the same ratio to the amount appropriated for such year under section 726 as the amount allocated under section 1122 of the Elementary and Secondary Education Act of 1965 to the State for that year bears to the total amount allocated under section 1122 to all States for that year, except that no State shall receive less than $100,000.

(2)(A) The Secretary is authorized to reserve 0.1 percent of the amount appropriated for each fiscal year under section 726 to be allocated by the Secretary among the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and Palau (until the effective date of the Compact of Free Association with the Government of Palau), according to their respective need for assistance under this subtitle, as determined by the Secretary.

(B)(i) The Secretary is authorized to transfer one percent of the amount appropriated for each fiscal year under section 726 to the Department of the Interior for programs for Indian students served by schools funded by the Secretary of the Interior, as determined under the Indian Self-Determination and Education Assistance Act, that are consistent with the purposes of this Act.

(ii) The Secretary and the Secretary of the Interior shall enter into an agreement, consistent with the requirements of this part, for the distribution and use of the funds described in clause (i) under terms that the Secretary determines best meet the purposes of the programs described in such clause. Such agreement shall set forth the plans of the Secretary of the Interior for the use of the amounts transferred, including appropriate goals, objectives and milestones.

(3) As used in this subsection, the term 'State' shall not include the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or Palau.

(d) MANDATED ACTIVITIES.—Grants under this section shall be used—

(1) to carry out the policies set forth in section 721 in the State;

(2) to provide activities for, and services to, homeless children, including preschool-aged children, and homeless youth that enable such children and youth to enroll in, attend, and succeed in school, or, if appropriate, in preschool programs;

(3) to establish or designate an Office of Coordinator of Education of Homeless Children and Youth in the State educational agency in accordance with subsection (f);

(4) to prepare and carry out the State plan described in subsection (g); and

(5) to develop and implement professional development programs for school personnel to heighten their awareness of, and capacity to respond to, specific problems in the education of homeless children and youth.

(e) STATE AND LOCAL GRANTS.—(1)(A) Subject to subparagraph (B), if the amount allotted to the State educational agency for any fiscal year under this subtitle exceeds the amount such agency received for fiscal year 1990 under this subtitle, such agency shall use such funds as exceed the amount such agency received for fiscal year 1990 under this subtitle to provide grants to local educational agencies in accordance with section 723.

(B) The State educational agency may reserve not more than the greater of 5 percent of the amount such agency receives under this subtitle for any fiscal year, or the amount such agency received under this subtitle for fiscal year 1990, to conduct activities under subsection (f) directly or through grants or contracts.

(2) If the amount allotted to a State educational agency for any fiscal year under this subtitle is less than the amount such agency received for fiscal year 1990 under this subtitle, such agency, at such agency's discretion, may provide grants to local educational agencies in accordance with section 723 or may conduct activities under subsection (f) directly or through grants or contracts.

(f) FUNCTIONS OF THE OFFICE OF COORDINATOR.—The Coordinator of Education of Homeless Children and Youth established in each State shall—

(1) estimate the number of homeless children and youth in the State and the number of such children and youth served with assistance provided under the grants or contracts under this subtitle;

(2) gather, to the extent possible, reliable, valid, and comprehensive information on the nature and extent of the problems homeless children and youth have in gaining access to public preschool programs and to public elementary and secondary schools, the difficulties in identifying the special needs of such children and youth, any progress made by the State educational agency and local educational agencies in the State in addressing such problems and difficulties, and the success of the program under this subtitle in allowing homeless children and youth to enroll in, attend, and succeed in, school;

(3) develop and carry out the State plan described in subsection (g);

(4) prepare and submit to the Secretary not later than October 1, 1997, and on October 1 of every third year thereafter, a report on the information gathered pursuant to paragraphs (1) and (2) and such additional information as the Secretary may

require to carry out the Secretary's responsibilities under this subtitle;

(5) facilitate coordination between the State educational agency, the State social services agency, and other agencies providing services to homeless children and youth, including homeless children and youth who are preschool age, and families of such children and youth; and

(6) develop relationships and coordinate with other relevant education, child development, or preschool programs and providers of services to homeless children, homeless families, and runaway and homeless youth (including domestic violence agencies, shelter operators, transitional housing facilities, runaway and homeless youth centers, and transitional living programs for homeless youth), to improve the provision of comprehensive services to homeless children and youth and their families.

(g) STATE PLAN.—(1) Each State shall submit to the Secretary a plan to provide for the education of homeless children and youth within the State, which plan shall describe how such children and youth are or will be given the opportunity to meet the same challenging State performance standards all students are expected to meet, shall describe the procedures the State educational agency will use to identify such children and youth in the State and to assess their special needs, and shall—

(A) describe procedures for the prompt resolution of disputes regarding the educational placement of homeless children and youth;

(B) describe programs for school personnel (including principals, attendance officers, teachers and enrollment personnel), to heighten the awareness of such personnel of the specific needs of runaway and homeless youth;

(C) describe procedures that ensure that homeless children and youth who meet the relevant eligibility criteria are able to participate in Federal, State, or local food programs;

(D) describe procedures that ensure that—

(i) homeless children have equal access to preschool programs provided to other children; and

(ii) homeless children and youth who meet the relevant eligibility criteria are able to participate in Federal, State, or local before- and after-school care programs;

(E) address problems set forth in the report provided to the Secretary under subsection (f)(4);

(F) address other problems with respect to the education of homeless children and youth, including problems caused by—

(i) transportation issues; and

(ii) enrollment delays that are caused by—

(I) immunization requirements;

(II) residency requirements;

(III) lack of birth certificates, school records, or other documentation; or

(IV) guardianship issues;

(G) demonstrate that the State educational agency and local educational agencies in the State have developed, and will review and revise, policies to remove barriers to the enrollment

and retention of homeless children and youth in schools in the State; and

(H) contain an assurance that the State educational agency and local educational agencies in the State will adopt policies and practices to ensure that homeless children and youth are not isolated or stigmatized.

(2) Each plan adopted under this subsection shall also show how the State will ensure that local educational agencies in the State will comply with the requirements of paragraphs (3) through (9).

(3)(A) The local educational agency of each homeless child and youth shall, according to the child's or youth's best interest, either—

(i) continue the child's or youth's education in the school of origin—

(I) for the remainder of the academic year; or

(II) in any case in which a family becomes homeless between academic years, for the following academic year; or

(ii) enroll the child or youth in any school that nonhomeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.

(B) In determining the best interests of the child or youth under subparagraph (A), the local educational agency shall comply, to the extent feasible, with the request made by a parent or guardian regarding school selection.

(C) For purposes of this paragraph, the term "school of origin" means the school that the child or youth attended when permanently housed, or the school in which the child or youth was last enrolled.

(D) The choice regarding placement shall be made regardless of whether the child or youth lives with the homeless parents or has been temporarily placed elsewhere by the parents.

(4) Each homeless child or youth shall be provided services comparable to services offered to other students in the school selected according to the provisions of paragraph (3), including—

(A) transportation services, except as required by paragraph (9);

(B) educational services for which the child or youth meets the eligibility criteria, such as services provided under title I of the Elementary and Secondary Education Act of 1965 or similar State or local programs, educational programs for children with disabilities, and educational programs for students with limited-English proficiency;

(C) programs in vocational education;

(D) programs for gifted and talented students; and

(E) school meals programs.

(5) Any record ordinarily kept by the school, including immunization records, academic records, birth certificates, guardianship records, and evaluations for special services or programs, of each homeless child or youth shall be maintained—

(A) so that the records are available, in a timely fashion, when a child or youth enters a new school district; and

(B) in a manner consistent with section 438 of the General Education Provisions Act.

(6) Each local educational agency serving homeless children and youth that receives assistance under this subtitle shall coordinate

with local social services agencies and other agencies or programs providing services to such children or youth and their families.

(7)(A) Each local educational agency that receives assistance under this subtitle shall designate a homelessness liaison to ensure that—

(i) homeless children and youth enroll and succeed in the schools of that agency; and

(ii) homeless families, children, and youth receive educational services for which such children and youth are eligible, including preschool programs, and referrals to health care services, dental services, mental health services, and other appropriate services.

(B) State coordinators and local educational agencies shall inform school personnel, service providers, and advocates working with homeless families of the duties of the liaisons.

(8) Each State educational agency and local educational agency shall review and revise any policies that may act as barriers to the enrollment of homeless children and youth in schools selected in accordance with paragraph (3). In reviewing and revising such policies, consideration shall be given to issues concerning transportation, immunization, residency, birth certificates, school records, and other documentation, and guardianship. Special attention shall be given to ensuring the enrollment and attendance of homeless children and youth who are not currently attending school.

(9) Each plan adopted under this subsection shall—

(A) demonstrate that transportation, to the extent possible, will be provided at no cost to homeless children and youth attending the school in which such children are enrolled; and

(B) contain procedures for resolving disputes between local educational agencies or within a local educational agency concerning transportation costs for such children and youth.

(10) Where applicable, each State and local educational agency shall coordinate with State and local housing agencies responsible for developing the comprehensive housing affordability strategy described in section 105 of the Cranston-Gonzalez National Affordable Housing Act to minimize educational disruption for children who become homeless.

LOCAL EDUCATIONAL AGENCY GRANTS FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTH

SEC. 723. (a) GENERAL AUTHORITY.—(1) The State educational agency shall, in accordance with section 722(e) and from amounts made available to such agency under section 726, make grants to local educational agencies for the purpose of facilitating the enrollment, attendance, and success in school of homeless children and youth.

(2) Unless otherwise specified, services under paragraph (1) may be provided through programs on school grounds or at other facilities. Where services are provided through programs on school grounds, such services may also be made available to children and youth who are determined by the local educational agency to be at risk of failing in, or dropping out of, schools, except that priority for such services shall be given to homeless children and youth. To the maximum extent practicable, services shall be provided through ex-

isting programs and mechanisms that integrate homeless individuals with nonhomeless individuals.

(3) Services provided under this section shall be designed to expand upon or improve services provided as part of the school's regular academic program.

(b) Application.—A local educational agency that desires to receive a grant under this section shall submit an application to the State educational agency at such time, in such manner, and containing or accompanied by such information as the State educational agency may reasonably require according to guidelines issued by the Secretary. Each such application shall include—

(1) a description of the services and programs for which assistance is sought and the problems to be addressed through the provision of such services and programs;

(2) an assurance that the local educational agency's combined fiscal effort per student or the aggregate expenditures of that agency and the State with respect to the provision of free public education by that agency for the preceding fiscal year was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second preceding fiscal year;

(3) an assurance that the applicant complies with, or will use requested funds to come into compliance with, paragraphs (3) through (9) of section 722(g); and

(4) a description of policies and procedures that the agency will implement to ensure that activities carried out by the agency will not isolate or stigmatize homeless children and youth.

(c) Awards.—(1) The State educational agency shall, in accordance with section 722(g) and from amounts made available to such agency under section 726, award grants under this section to local educational agencies submitting an application under subsection (b) on the basis of the need of such agencies.

(2) In determining need under paragraph (1), the State educational agency may consider the number of homeless children and youth enrolled in preschool, elementary, and secondary schools within the area served by the agency, and shall consider the needs of such children and youth and the ability of the agency to meet such needs. Such agency may also consider—

(A) the extent to which the proposed use of funds would facilitate the enrollment, retention, and educational success of homeless children and youth;

(B) the extent to which the application reflects coordination with other local and State agencies that serve homeless children and youth, as well as the State plan required by section 722(g);

(C) the extent to which the applicant exhibits in the application and in current practice a commitment to education for all homeless children and youth; and

(D) such other criteria as the agency determines appropriate.

(3) Grants awarded under this section shall be for terms not to exceed three years.

(d) Authorized Activities.—(1) A local educational agency may use funds awarded under this section for activities to carry out the purpose of this subtitle, including—

(A) the provision of tutoring, supplemental instruction, and enriched educational services that are linked to the achievement

of the same challenging State content standards and challenging State student performance standards the State establishes for other children or youth;

(B) the provision of expedited evaluations of the strengths and needs of homeless children and youth, including needs and eligibility for programs and services (such as educational programs for gifted and talented students, children with disabilities, and students with limited-English proficiency, services provided under title I of the Elementary and Secondary Education Act of 1965 or similar State or local programs, programs in vocational education, and school meals programs);

(C) professional development and other activities for educators and pupil services personnel that are designed to heighten the understanding and sensitivity of such personnel to the needs of homeless children and youth, the rights of such children and youth under this Act, and the specific educational needs of runaway and homeless youth;

(D) the provision of referral services to homeless children and youth for medical, dental, mental, and other health services;

(E) the provision of assistance to defray the excess cost of transportation for students pursuant to sections 722(g)(4) or 722(g)(9), not otherwise provided through Federal, State, or local funding, where necessary to enable students to attend the school selected under section 722(g)(3);

(F) the provision of developmentally appropriate early childhood education programs, not otherwise provided through Federal, State, or local funding, for preschool-aged children;

(G) the provision of before- and after-school and summer enrichment programs for homeless children and youth in which a teacher or other qualified individual provides tutoring, homework assistance, and supervision of educational activities;

(H) where necessary, the payment of fees and other costs associated with tracking, obtaining, and transferring records necessary to enroll homeless children and youth in school, including birth certificates, immunization records, academic records, guardianship records, and evaluations for special programs or services;

(I) the provision of education and training to the parents of homeless children and youth about the rights of, and resources available to, such children and youth;

(J) the development of coordination between schools and agencies providing services to homeless children and youth;

(K) the provision of pupil services (including violence prevention counseling) and referrals for such services;

(L) activities to address the particular needs of homeless children and youth that may arise from domestic violence;

(M) the adaptation of space and purchase of supplies for nonschool facilities made available under subsection (a)(2) to provide services under this subsection;

(N) the provision of school supplies to be distributed at shelters or temporary housing facilities, or other appropriate locations; and

(O) the provision of other extraordinary or emergency assistance needed to enable homeless children and youth to attend school.

SECRETARIAL RESPONSIBILITIES

SEC. 724. (a) REVIEW OF PLANS.—In reviewing the State plans submitted by the State educational agencies under section 722(g), the Secretary shall use a peer review process and shall evaluate whether State laws, policies, and practices described in such plans adequately address the problems of homeless children and youth relating to access to education and placement as described in such plans.

(b) TECHNICAL ASSISTANCE.—The Secretary shall provide support and technical assistance to the State educational agencies to assist such agencies to carry out their responsibilities under this subtitle.

(c) EVALUATION AND DISSEMINATION.—The Secretary shall conduct evaluation and dissemination activities of programs designed to meet the educational needs of homeless elementary and secondary school students, and may use funds appropriated under section 726 to conduct such activities.

(d) REPORTS.—The Secretary shall prepare and submit a report to Congress on the programs and activities authorized by this subtitle by December 31, 1997, and every third year thereafter.

DEFINITIONS

SEC. 725. For the purpose of this subtitle, the following terms have the following meanings:

(1) The term "Secretary" means the Secretary of Education.

(2) The term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

AUTHORIZATION OF APPROPRIATIONS

SEC. 726. For the purpose of carrying out this subtitle, there are authorized to be appropriated $30,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

* * * * * * *

TITLE 20—UNITED STATES CODE

* * * * * * *

§236. Congressional declaration of policy; authorization of appropriations

[(a) In recognition of the responsibility of the United States for the impact which certain Federal activities have on the local educational agencies in the areas in which such activities are carried on, the Congress declares it to be the policy of the United States to provide financial assistance (as set forth in this subchapter) for those local educational agencies upon which the United States has placed financial burdens by reason of the fact that—

[(1) the revenues available to such agencies from local sources have been reduced as the result of the acquisition of real property by the United States; or

[(2) such agencies provide education for children residing on Federal property; or

[(3) such agencies provide education for children whose parents are employed on Federal property; or

[(4) there has been a sudden and substantial increase in school attendance as the result of Federal activities.

[(b) There are authorized to be appropriated $735,000,000 for fiscal year 1989, $785,000,000 for fiscal year 1990, $835,000,000 for fiscal year 1991, $885,000,000 for fiscal year 1992, and $935,000,000 for fiscal year 1993, to carry out the provisions of this chapter.]

* * * * * * *

[§631. Declaration of purpose; authorization of appropriations

[(a) The purpose of this chapter is to provide assistance for the construction of urgently needed minimum school facilities in school districts which have had substantial increases in school membership as a result of new or increased Federal activities. There are authorized to be appropriated for the fiscal year ending June 30, 1959, and each fiscal year thereafter, such sums as the Congress may determine to be necessary for such purpose. Sums so appropriated, other than sums appropriated for administration, shall remain available until expended.

[(b) There are authorized to be appropriated $25,000,000 for fiscal year 1989, $26,000,000 for fiscal year 1990, $27,000,000 for fiscal year 1991, $28,000,000 for fiscal year 1992, and $29,000,000 for fiscal year 1993, to carry out the provisions of this chapter.]

* * * * * * *

GOALS 2000; EDUCATE AMERICA ACT

* * * * * * *

SEC. 204. (a) * * *

* * * * * * *

(f) GIFTS.—The Goals Panel may accept, administer, and utilize gifts or donations of services, money, or property, whether real or personal, tangible or intangible.

* * * * * * *

(f) GIFTS.—The Council may accept, administer, and utilize gifts or donations of services, money, or property, whether real or personal, tangible or intangible.

* * * * * * *

[Sections 231, 232, 234, and 235 of the Goals 2000: Educate America Act are repealed.]

* * * * * * *

EDUCATION COUNCIL ACT OF 1991

* * * * * * *

[Title II of the Education Council Act of 1991 (20 U.S.C. 1221–1 note) is repealed.]

* * * * * * *

AUGUSTUS F. HAWKINS-ROBERT T. STAFFORD ELEMENTARY AND SECONDARY SCHOOL IMPROVEMENT AMENDMENTS OF 1988

* * * * * * *

[Title IV of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (20 U.S.C. 4901 et seq.) is repealed.]

* * * * * * *

○